

ADOPTING A SAFE SPORTS CHARTER

Members of the sports community such as National Olympic Committees, National Paralympic Committees, National Federations/National Sports Associations, local government units, schools, universities and colleges, clubs, gyms, associations, and leagues are called upon to create and guarantee safe environments. These stakeholders and duty-bearers must promote and institutionalize safe sport.

Safe Sport promotes the welfare and development of athletes and ensures the safety of athletes against all forms of harassment, discrimination, abuse, violence or bullying in sports, whether physical, emotional, psychological, or specifically gender-based, in person or online, based on race, ability, religion, poverty, status, position, education, ethnic background, opinion and differences, shall be guaranteed at all times.

The Author developed a template Safe Sport Charter that aims to ensure that athletes are safeguarded, the integrity of sports and sports organizations are protected, those working in the sports industry are protected, and the values of safe sport are promoted.<sup>1</sup>

Below is a proposed text/ draft of such a charter that can considered and adopted by [\*].

1.3.2.It recommends for IFs and NOCs to take the following into consideration:

1.3.2.1. Develop a clear definition of the term "harassment and abuse," which is consistent with the definition in Section 1 and applicable laws.<sup>6</sup>

1.3.2.2. Apply the safeguarding policy to all persons affiliated with the IF or NOC, including athletes.<sup>7</sup>

1.3.2.3. Inform all athletes, their entourages, coaches, officials, as well as other relevant persons on what may constitute harassment and abuse and where they may seek further information, advice and support, e.g. by organizing training or by making available educational material and provide for mechanisms to prevent involvement of known offenders in the IF's or NOC's activities.<sup>8</sup>

1.3.2.4. Establish a reporting procedure for alleged incidents of harassment and abuse, specifying different reporting channels and designated persons through which an alleged incident of harassment and abuse may be reported to the IF or NOC as well as the information that should be included in the report.<sup>9</sup>

1.3.2.5. Establish an investigation procedure to respond to alleged incidents of harassment and abuse which aims to assemble comprehensive information on the alleged incident<sup>10</sup> and provide the responding party with due process before applying any measure or sanction.<sup>11</sup>

1.3.2.6. Establish support mechanisms to provide support and information to persons involved in an alleged incident of harassment and abuse ("concerned persons") including the appointment of someone who is responsible for following up on all alleged incidents of harassment and abuse (e.g. a "Welfare/Support Officer"). Such person should be trained and experienced in the field of safeguarding from harassment and abuse (e.g. medically and/or legally), and his/her responsibilities should, in particular, include playing a central role in: (i) the reporting and investigation procedures, (ii) determining whether information of a case should be disclosed to the competent local authorities, and (iii) providing support to any concerned persons throughout the reporting and investigation procedures.<sup>12</sup>

(5) Respect the rights and well-being of, and not discriminate against, other athletes, their entourage, volunteers and all others within the sporting environment, and refrain from political demonstration in competitions, competition venues and ceremonies. xxx

(7) Act as a role model, including by promoting clean sport. xxx.<sup>13</sup>

1.5. The World Players Association Universal Declaration of Player Rights (2017) recognizes that "Every player is entitled to equality of opportunity in the pursuit of sport without distinction of any kind and free of discrimination, harassment and violence."<sup>14</sup> Moreover, "A player's right to pursue sport cannot be limited because of his or her race, colour, birth, age, language, sexual orientation, gender, disability, pregnancy, religion, political or other opinion, responsibilities as a career, property or other status."<sup>15</sup>

1.6. Article 11.1 of the Olympic Movement Medical Code of 2016 provides that "Athletes enjoy the same fundamental rights as all patients in their relationships with their physicians and health care providers, in particular, respect for: a. their human dignity; b. their physical and psychological well-being; c. the protection of their health and safety; d. their self-determination; and e. their rights to privacy and confidentiality."<sup>16</sup>

1.7. The Constitution of the International Paralympic Committee requires the International Paralympic Committee "to promote Para sports for athletes with impairments globally at all levels, without unlawful discrimination for political, religious, economic, disability, racial, gender or sexual orientation reasons."<sup>17</sup>

1.8. The By-Laws of the Philippine Olympic Committee states that it aims "to guard and take action against all form of discrimination and violence in sports"<sup>18</sup> and "to work in concert with private and government bodies concerning the promotion of a sound sports policy."<sup>19</sup>

1.9. Republic Act No. 11313, otherwise known as the Safe Spaces Act, prohibits and penalizes gender-based sexual harassment on streets, public spaces, privately-owned places open to the public, public utility vehicles, workplaces, education and training institutions, and online.

1.10. Republic Act No. 7877, otherwise known as the Anti-Sexual Harassment Act of 1995 ensures the protection of any person in work, education, or training-related sexual harassment.<sup>20</sup>

2.4. Responsibilities of Sports Associations and Training Personnel and Institutions. Corollary to these is the corresponding responsibility of sports associations and training personnel and institutions to ensure not only the integrity of the sport but the protection of these athletes against all forms of harassment, abuse, and violence.

3. Description of Terms

3.1. Safe Sport promotes the welfare and development of athletes and ensures the safety of athletes against all forms of harassment, discrimination, abuse, violence or bullying in sports, whether physical, emotional, psychological, or specifically gender-based, in person or online, based on race, ability, religion, poverty, status, position, education, ethnic background, opinion and differences, shall be guaranteed at all times.

3.2. Gender-Based Online Sexual Harassment includes acts that use information and communications technology in terrorizing and intimidating victims through physical, psychological, and emotional threats, unwanted sexual misogynistic, transphobic, homophobic and sexist remarks and comments online whether publicly or through direct and private messages, invasion of victim's privacy through cyberstalking and incessant messaging, uploading and sharing without the consent of the victim, any form of media that contains photos, voice, or video with sexual content, any unauthorized recording and sharing of any of the victim's photos, videos, or any information online, impersonating identities of victims online or posting lies about victims to harm their reputation, or filing, false abuse reports to online platforms to silence victims.<sup>21</sup>

3.3. Gender-Based Sexual Harassment in the Workplace includes the following:

(a) An act or series of acts involving any unwelcome sexual advances, requests or demand for sexual favors or any act of sexual nature, whether done verbally, physically or through the use of technology such as text messaging or electronic mail or through any other forms of information and communication systems, that has or could have a detrimental effect on the conditions of an individual's employment or education, job performance or opportunities;

(b) A conduct of sexual nature and other conduct-based on sex affecting the dignity of a person, which is unwelcome, unreasonable, and offensive to the recipient, whether done

3.5.2. Harassment and abuse can result from an abuse of authority, meaning the improper use of a position of influence, power or authority by an individual against another person.<sup>22</sup>

3.6. Neglect means the failure of a coach or another person with a duty of care towards the athlete to provide a minimum level of care to the athlete, which is causing harm, allowing harm to be caused, or creating an imminent danger of harm.<sup>23</sup>

3.7. Physical abuse means any deliberate and unwelcome act that causes physical trauma or injury and which may consist of forced or inappropriate physical activity.<sup>24</sup>

3.8. Psychological abuse means any unwelcome act including confinement, isolation, verbal assault, humiliation, intimidation, infantilization, or any other treatment which may diminish the sense of identity, dignity, and self-worth.<sup>25</sup>

3.9. Work, education or training-related sexual harassment is committed by an employer, employee, manager, supervisor, agent of the employer, teacher, instructor, professor, coach, trainer, or any other person who, having authority, influence, moral ascendancy over another in a work or training or education environment, demands, requests or otherwise requires any sexual favor from the other, regardless of whether the demand, request or requirement for submission is accepted by the object of said Act.<sup>26</sup>

4. Athletes' Rights

4.1. The Athletes Rights and Responsibilities Declaration of the IOC Athlete 365 "aspires to promote the ability and opportunity of athletes to:

1. Practise sport and compete without being subject to discrimination on the basis of race, colour, religion, age, sex, sexual orientation, disability, language, political or other opinion, national or social origin, property, birth or other immutable status.

2. Be part of a transparent, fair and clean sporting environment, particularly one that fights against doping and competition manipulation, and provides for transparent judging/refereeing, selection and qualification processes, and appropriate competition schedules, including training schedules at such competitions.

and (2) "A player's right to pursue sport cannot be limited because of his or her race, colour, birth, age, language, sexual orientation, gender, disability, pregnancy, religion, political or other opinion, responsibilities as a carer, property or other status."

4.2.3. Article 9.

4.2.3.1. Every player must be provided with a safe and secure workplace and sporting environment, which promotes the player's safety, physical and mental health and his or her social wellbeing.<sup>27</sup>

4.2.3.2. A player must be treated and supported with utmost integrity by healthcare professionals when injured or ill, and have direction and control over that treatment and support.<sup>28</sup>

4.2.3.3. A player's workplace and sporting environment must be protected from both internal and external risks to his or her safety, health and wellbeing. A player is entitled to decide on the measures necessary to ensure the safety and security of the workplace and sporting environment and to take any action reasonably necessary to avoid those risks or prevent them from materialising.<sup>29</sup>

4.2.4. Article 11. "Every player has the right to a private life, privacy and protection in relation to the collection, storage and transfer of personal data."<sup>30</sup>

4.2.5. Article 12. "Every player is entitled to have his or her name, image and performance protected. A player's name, image and performance may only be commercially utilised with his or her consent, voluntarily given."<sup>31</sup>

4.2.6. Article 16. "Every player is entitled to have any dispute resolved through an impartial and expeditious grievance mechanism in which the player has an equal say in the appointment of the grievance panel, arbitrator or other decision-making person or body. His or her sport must ensure he or she is provided with access to an effective remedy where his or her rights under this Declaration have not been protected or respected."<sup>32</sup>

5.1.5. Ensure that a mixed teams are travelling together, they should always be accompanied by a male and female member of staff, keeping in mind that same gender abuse can also occur;

5.1.6. Give enthusiastic and constructive feedback rather than negative criticism; and

5.1.7. Recognize the developmental needs and capacity of young people and adults which may be susceptible to abuse.

5.5.2. [\*] Coaches, staff, volunteers and consultants shall:

5.5.2.1. Treat stakeholders equally, and with respect and dignity;

5.5.2.2. Be an important link in identifying cases when an incident may have occurred;

5.5.2.3. Always put the welfare of each athlete as a top priority;

5.5.2.4. Maintain a safe and appropriate distance with athletes;

5.5.2.5. Build balanced relationship based on mutual trust which empowers athletes to share in the decision-making process;

5.5.2.6. Promote fair play;

5.5.2.7. Keep up to date with technical skills, qualifications and insurance in sport;

5.5.2.8. Be an excellent role model;

5.5.2.9. Give enthusiastic and constructive feedback;

5.5.2.10. Recognize the developmental needs and capacity of athletes; and

5.5.2.11. Keep a written record of any injury that occurs, along with the details of any treatment given.

5.5.3. [\*] Athletes shall:

5.5.3.1. Not engage in rough, physical or sexually provocative games, including horseplay;

5.5.3.2. Respect their teammates, coaches, officials, opponents, and the sport at all times;

5.5.3.3. Not conduct themselves in any manner, or engage in any activity, whether on or off the field, that would impair public confidence in the honest and orderly conduct of matches and competitions or in the integrity and good character of participants; and

5.5.3.4. Not do anything which adversely affects or reflects on or discredits sports.

5.8. Training and Research

5.8.2. Seminars or workshops must be organized and be made available to attendance to these must be required of members of [\*], compliance with which shall be a requirement for renewal of membership, accreditation, or affiliation.

5.8.3. Research on harassment, abuse, and violence in sport shall be undertaken and initiated and data and statistics broken down by sex and systematically collected by [\*] on sport and physical activity.

5.9. Psychological and Mental Health Support

5.9.2. Programs and services for the unique psychological and mental health needs of female athletes must be organized and provided. This may include individual or group psychotherapy sessions, as well as activities that promote psychological well-being and good mental health.

5.9.3. Individual psychotherapy, particularly from trauma specialists, must be made available for victims of harassment, abuse, and violence in sports.

5.10. Bias-Free Representation in Media.

5.10.2. Athletes shall enjoy bias-free representation in traditional and online media.

5.10.3. Any form of media or communication which allows, supports, or perpetuates prejudice against athletes shall immediately be taken down, and sanctions shall be imposed against the writer, creator, producer, or owner of such media or communication.

5.10.4. Inhumane, offensive, and disrespectful advertisements shall be banned at all sporting events sanctioned by [\*]. Sponsorship agreements shall explicitly forbid the use or communication of any sexist, disrespectful or gender-biased message. Any sponsor's violation of this policy shall cause the immediate termination of the agreement, without prejudice to the right of [\*] to seek other legal remedies against the sponsor.

SAFE SPORTS CHARTER

BY [\*]

1. Preamble

1.1. The United Nations Universal Declaration of Human Rights (1948) provides that "All human beings are born free and equal in dignity and rights. xxx."<sup>1</sup> Moreover, it likewise states that "Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. xxx."<sup>2</sup>

1.2. The Basic Universal Principles of Good Governance of the Olympic and Sports Movement (2008) prescribes the minimum good governance standards, which include, among others, the adoption of measures to prohibit the exploitation of young athletes, protection of athletes from unscrupulous recruiters and agents, development of cooperation with the governments of the countries concerned, and the signing by all sports organizations of Codes of Conduct.<sup>3</sup>

1.3. The International Olympic Committee (IOC) issued on 2 June 2016 the Guidelines for International Federations (IFs) and National Olympic Committees (NOCs) Related to Creating and Implementing a Policy to Safeguard Athletes from Harassment and Abuse in Sport (Guidelines):

1.3.1. The Preamble furthers the IOC Consensus Statement: Sexual Harassment and Abuse in Sport (2006), which states that "Sexual harassment and abuse occur worldwide. In sport, they give rise to suffering for athletes and others, and to legal, financial and moral liabilities for sport organizations. No sport is immune to these problems which occur at every performance level. Everyone in sport shares the responsibility to identify and prevent sexual harassment and abuse and to develop a culture of dignity, respect and safety in sport. Sport organisations, in particular, are gatekeepers to safety and should demonstrate strong leadership in identifying and eradicating these practices."<sup>4</sup>

1.4. The Athletes Rights and Responsibilities Declaration of the IOC Athlete 365 "aspires to promote the ability and opportunity of athletes to:

I. (1) Practise sport and compete without being subject to discrimination on the basis of race, colour, religion, age, sex, sexual orientation, disability, language, political or other opinion, national or social origin, property, birth or other immutable status. xxx

(6) Fair and equal gender representation.

(7) The protection of mental and physical health, including a safe competition and training environment and protection from abuse and harassment. xxx

(8) Report unethical behaviour without fear of retaliation. xxx

(1) Freedom of expression xxx,

and encourages athletes to:

(1) Uphold the Olympic values and adhere to the Fundamental Principles of Olympism.

(2) Respect the integrity of sport and compete as a clean athlete, in particular by not doping and not manipulating competition.<sup>5</sup> Improper disposal of personal information and sensitive personal information due to negligence.<sup>6</sup>

(3) Act in accordance with the IOC Code of Ethics and be encouraged to report unethical behaviour, including instances of doping, competition manipulation, prohibited discrimination and abuse and harassment.

(4) Comply with applicable national laws, and the rules of the qualification processes and competitions, of the sport, and of the relevant sporting organisation, as well as the Olympic Charter.

1.11. Republic Act No. 10173, otherwise known as the Data Privacy Act of 2012 reiterates the policy of the State to protect the fundamental human right of privacy, which hereby approves and ratifies this **Safe Sports Charter (SSC)** in consideration of the foregoing, the [\*] hereto approves and ratifies this **Safe Sports Charter (SSC)** to develop and promote the safety and protection of athletes, regardless of sex, gender preference, or origin, against all forms of harassment, abuse, and violence:

2. Principles

2.1. **Sports-for-a-Purpose – Olympism.** Sports has a noble purpose which is building better humans, creating active and vibrant communities, and advancing better quality of life for all, which collectively is the core of Olympism.

2.2. **Safe Sport Environment.** The safety of athletes against all forms of harassment, discrimination, abuse, violence or bullying in sports, whether physical, emotional, psychological, or specifically gender-based, in person or online, based on race, ability, religion, poverty, status, position, education, ethnic background, opinion and differences, shall be guaranteed at all times.

2.3. **Rights and Responsibilities of Athletes.** Athletes have inherent and fundamental rights, premised on the United Nations Declaration on Human Rights and underscored in the Athletes Rights and Responsibilities Declaration of the IOC Athlete 365 and Universal Declaration of Player Rights of the World Players Association/ Uni Global Union.

verbally, physically or through the use of technology such as text messaging or electronic mail or through any other forms of information and communication systems;

(c) A conduct that is unwelcome and pervasive and creates an intimidating, hostile or humiliating environment for the recipient: *Provided*, That the crime of gender-based sexual harassment may also be committed between peers and those committed to a superior officer by a subordinate, or to a teacher by a student, or to a trainer by a trainee; and

(d) Information and communication system refers to a system for generating, sending, receiving, storing or otherwise processing electronic data messages or electronic documents and includes the computer system or other similar devices by or in which data are recorded or stored and any procedure related to the recording or storage of electronic data messages or electronic documents.<sup>44</sup>

3.4. *Gender-based streets and public spaces sexual harassment* are committed through any unwanted and uninvited sexual actions or remarks<sup>45</sup> against any person regardless of the motive for committing such action or remarks and includes catcalling, wolf-whistling, unwanted invitations, misogynistic, transphobic, homophobic and sexist slurs, persistent uninvited comments or gestures on a person's appearance, relentless requests for personal details, statement of sexual comments and suggestions, public masturbation or flashing of private parts, groping, or any advances, whether verbal or physical, that is unwanted and has threatened one's sense of personal space and physical safety, and committed in public spaces such as alleys, roads, sidewalks and parks. Acts constitutive of gender-based streets and public spaces sexual harassment are those performed in buildings, schools, churches, restaurants, malls, public washrooms, bars, internet shops, public markets, transportation terminals or public utility vehicles.<sup>46</sup>

3.5. *Harassment* is defined as to include psychological abuse, physical abuse, sexual harassment and neglect. These forms of harassment and abuse may occur in combination or in isolation.<sup>47</sup>

3.5.1. Harassment and abuse can be based on any grounds including race, religion, colour, creed, ethnic origin, physical attributes, gender, sexual orientation, age, disability, socio-economic status and athletic ability. It can include one-off incident or a series of incidents. It may be in person or online, deliberate, unsolicited, and coercive.<sup>48</sup>

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3.5.1.6. Harassment and abuse can be based on any grounds including race, religion, colour, creed, ethnic origin, physical attributes, gender, sexual orientation, age, disability, socio-economic status and athletic ability. It can include one-off incident or a series of incidents. It may be in person or online, deliberate, unsolicited, and coercive.<sup>48</sup>

3.5.1.7. Harassment and abuse can be based on any grounds including race, religion, colour, creed, ethnic origin, physical attributes, gender, sexual orientation, age, disability, socio-economic status and athletic ability. It can include one-off incident or a series of incidents. It may be in person or online, deliberate, unsolicited, and coercive.<sup>48</sup>

3.5.1.8. Harassment and abuse can be based on any grounds including race, religion, colour, creed, ethnic origin, physical attributes, gender, sexual orientation, age, disability, socio-economic status and athletic ability. It can include one-off incident or a series of incidents. It may be in person or online, deliberate, unsolicited, and coercive.<sup>48</sup>

3.5.1.9. Harassment and abuse can be based on any grounds including race, religion, colour, creed, ethnic origin, physical attributes, gender, sexual orientation, age, disability, socio-economic status and athletic ability. It can include one-off incident or a series of incidents. It may be in person or online, deliberate, unsolicited, and coercive.<sup>48</sup>

3.5.1.10. Harassment and abuse can be based on any grounds including race, religion, colour, creed, ethnic origin, physical attributes, gender, sexual orientation, age, disability, socio-economic status and athletic ability. It can include one-off incident or a series of incidents. It may be in person or online, deliberate, unsolicited, and coercive.<sup>48</sup>

3.5.1.11. Harassment and abuse can be based on any grounds including race, religion, colour, creed, ethnic origin, physical attributes, gender, sexual orientation, age, disability, socio-economic status and athletic ability. It can include one-off incident or a series of incidents. It may be in person or online, deliberate, unsolicited, and coercive.<sup>48</sup>

3.5.1.12. Harassment and abuse can be based on any grounds including race, religion, colour, creed, ethnic origin, physical attributes, gender, sexual orientation, age, disability, socio-economic status and athletic ability. It can include one-off incident or a series of incidents. It may be in person or online, deliberate, unsolicited, and coercive.<sup>48</sup>

3.5.1.13. Harassment and abuse can be based on any grounds including race, religion, colour, creed, ethnic origin, physical attributes, gender, sexual orientation, age, disability, socio-economic status and athletic ability. It can include one-off incident or a series of incidents. It may be in person or online, deliberate, unsolicited, and coercive.<sup>48</sup>

3.5.1.14. Harassment and abuse can be based on any grounds including race, religion, colour, creed, ethnic origin, physical attributes, gender, sexual orientation, age, disability, socio-economic status and athletic ability. It can include one-off incident or a series of incidents. It may be in person or online, deliberate, unsolicited, and coercive.<sup>48</sup>

3.5.1.15. Harassment and abuse can be based on any grounds including race, religion, colour, creed, ethnic origin, physical attributes, gender, sexual orientation, age, disability, socio-economic status and athletic ability. It can include one-off incident or a series of incidents. It may be in person or online, deliberate, unsolicited, and coercive.<sup>48</sup>

3.5.1.16. Harassment and abuse can be based on any grounds including race, religion, colour, creed, ethnic origin, physical attributes, gender, sexual orientation, age, disability, socio-economic status and athletic ability. It can include one-off incident or a series of incidents. It may be in person or online, deliberate, unsolicited, and coercive.<sup>48</sup>

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3.5.1.18. Harassment and abuse can be based on any grounds including race, religion, colour, creed, ethnic origin, physical attributes, gender, sexual orientation, age, disability, socio-economic status and athletic ability. It can include one-off incident or a series of incidents. It may be in person or online, deliberate, unsolicited, and coercive.<sup>48</sup>

3.5.1.19. Harassment and abuse can be based on any grounds including race, religion, colour, creed, ethnic origin, physical attributes, gender, sexual orientation, age, disability, socio-economic status and athletic ability. It can include one-off incident or a series of incidents. It may be in person or online, deliberate, unsolicited, and coercive.<sup>48</sup>

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3.5.1.21. Harassment and abuse can be based on any grounds including race, religion, colour, creed, ethnic origin, physical attributes, gender, sexual orientation, age, disability, socio-economic status and athletic ability. It can include one-off incident or a series of incidents. It may be in person or online, deliberate, unsolicited, and coercive.<sup>48</sup>

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3.5.1.23. Harassment and abuse can be based on any grounds including race, religion, colour, creed, ethnic origin, physical attributes, gender, sexual orientation, age, disability, socio-economic status and athletic ability. It can include one-off incident or a series of incidents. It may be in person or online, deliberate, unsolicited, and coercive.<sup>48</sup>

3.5.1.24. Harassment and abuse can be based on any grounds including race, religion, colour, creed, ethnic origin, physical attributes, gender, sexual orientation, age, disability, socio-economic status and athletic ability. It can include one-off incident or a series of incidents. It may be in person or online, deliberate, unsolicited, and coercive.<sup>48</sup>

3.5.1.25. Harassment and abuse can be based on any grounds including race, religion, colour, creed, ethnic origin, physical attributes, gender, sexual orientation, age, disability, socio-economic status and athletic ability. It can include one-off incident or a series of incidents. It may be in person or online, deliberate, unsolicited, and coercive.<sup>48</sup>

3.5.1.26. Harassment and abuse can be based on any grounds including race, religion, colour, creed, ethnic origin, physical attributes, gender, sexual orientation, age, disability, socio-economic status and athletic ability. It can include one-off incident or a series of incidents. It may be in person or online, deliberate, unsolicited, and coercive.<sup>48</sup>

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3.5.1.32. Harassment and abuse can be based on any grounds including race, religion, colour, creed, ethnic origin, physical attributes, gender, sexual orientation, age, disability, socio-economic status and athletic ability. It can include one-off incident or a series of incidents. It may be in person or online, deliberate, unsolicited, and coercive.<sup>48</sup>

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