

Outline of Study:

Using Canadian Law to Prevent, Respond to and Remedy Sexual Abuse in Sport:
Listening to and Learning from Athletes

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The Project:

This project will focus on determining what kind of reforms and protocol might better protect Canadian athletes from sexual exploitation, harassment and abuse (hereafter encompassed by the term “sexual abuse”). Existing protections for athletes appear to be insufficient as has been dramatically evidenced by the barrage of recent media reports of sexual abuse at all levels and in all sports. This project will give a voice to athlete survivors of sexual abuse, which may provide insight to sport governing bodies, help drive changes in regulations and protocol and contribute to the development of effective, athlete-centred policy for the future.

The Canadian sport community has benefited over the years from numerous studies and expert advice on how to improve sexual abuse prevention protocol, yet the problem persists with seemingly greater frequency (possibly due to increased reporting) than ever before. Some sport organizations may have created policy, driven by a desire to protect boards and administrators, coaches, and the sport itself, from liability and disrepute. The voices of athlete survivors will provide a different perspective and is perhaps a missing link in this chain. Listening to these voices of experience may help shed light on why sexual abuse in sport continues and what can actually be done to stop it.

The Case:

My proposed group of interview participants includes twelve athletes. These athletes all participated as witnesses in the trial of Bertrand Charest, their former junior national ski team coach. Charest was recently convicted on 37 counts of sexual assault and in December 2017, was sentenced by a Quebec judge to 12 years in jail.

In the last year, I made several trips to Montreal to become familiar with the case. I was present at two group debriefing meetings with the crown prosecutors on the case and I attended at the judge’s reading of his decision in June 2017.

Recruitment and Protection of Participants:

Interviewing survivors of sexual assault requires extreme sensitivity and numerous precautions in order to avoid causing further harm. The twelve potential participants will be sent an email letter, in both French and English, explaining the premise, methods and goals of the project and asking them to get in touch with me by email if they are interested in being interviewed. They will then be sent a detailed bilingual consent form that explains the parameters of their commitment and stresses that they are not obligated to participate or to continue with participation. They will be given the opportunity to add, delete or make changes once their data has been compiled and summarized. They will be offered free access to counselling in both French and English.

All documents and contracts for recruitment, consent, and confidentiality, as well as interview questions, have been written in English and translated into French. Counselling services, as mentioned above, have been put in place. I will be using a professional translator when necessary and a professional transcriptionist, both of whom will be required to sign confidentiality agreements. These preparations have all been completed.

Research Ethics Approval:

I received research ethics approval from the Dalhousie University Research Ethics Board in October 2017. I exempted one athlete from my proposed group due to concerns that bias or

undue influence might be suggested by our existing friendship. Upon further discussion with this athlete, I discovered that it is important to her that she be given a voice in the study. After consulting with academic experts it was determined that she could safely be included in the study as long as certain protocols are followed to ensure independent choice and freedom from influence. Accordingly, in November 2017, I submitted an amendment to my original research ethics application, requesting that this athlete be included as one of twelve potential study participants. I am waiting to hear whether this amendment has been approved.

I have also been approached by two Nova Scotian athletes who are currently mounting a sexual harassment case against their coach. They would like to participate in my research. Upon discussion with my advisors it was decided that it is preferable to contain the original interview group to the Charest trial participants but that these other athletes could be included at a later stage to provide input on the summarized interview data, in what is known as a “member check”. This request was included in my amendment to the Dalhousie Research Ethics Board.

Interviews:

When I receive research ethics approval I will immediately begin the process of inviting the athletes to participate, and scheduling interviews times with the engaged research participants. I intend to perform qualitative, semi-structured interviews using a feminist and relationship based approach. It will be necessary to establish a rapport with participants in order for them to feel comfortable and to minimize any possible perceived power imbalance and to avoid creating any undue stress or anxiety for participants. I will not be doing interviews with any other stakeholders as I feel that their positions are well documented and are outside the scope of this project.

I will interview each participant privately, in a safe, comfortable environment. I will elicit their views on the weaknesses of our past and current sport organizations in protecting athletes. I will ask their opinions on the best route to effective prevention, reporting and remedies and the most essential areas to focus on in creating new policy. I will ask them about how they feel they were treated by their sport governing bodies, sport administrators, and the courts and their opinions on what can be done to make these responses better for athletes in the future. These interviews will be audio recorded and later transcribed by a professional who has signed a confidentiality agreement. After each interview I will personally record my own notes and reactions to the interview, highlighting exceptional remarks and ideas.

Data Analysis:

In the next stage I will analyze the data I have collected using qualitative research techniques. When I have formed summaries of the information, I will do a member check with my original group. At this stage, I am hoping to bring in two new athletes. The contribution of these latter athletes may help to establish my research conclusions as current, since their case is recent and ongoing. It will also hopefully demonstrate the breadth of the problem, showing that it reaches across different sports and levels of competition.

Thesis Outline:

In the next phase of my research I will produce an approximately 150 page thesis. The chapters may look something like this:

1. **Historical Background on Sexual Assault in Sport in Canada** - statistics and patterns of sport sexual abuse, sentences and convictions, as well as whether sexual abuse is more common in some sports than others.

2. **Examination of Canadian Case Law** - criminal court decisions, civil cases, and a discussion of duty of care and vicarious liability and how these might be applied.
3. **Examination of Canadian Legislation** - including the Canadian Criminal Code, Provincial Child Protection Acts and the Canadian Charter of Rights and Freedoms.
4. **First Person Interviews with Athlete Survivors** - description of the interview process and summaries of the analyzed data.
5. **Approaches** - methods for education, prevention, and reporting.
6. **Due Process** - access to justice, timeliness, transparency, data publication and fair treatment of the accused.
7. **Conclusions and Recommendations** - policy, procedure, penalties, and remedies.

The process of developing this study has been far more labour intensive and time consuming than I had imagined. Fortunately the work I have done thus far has served to deepen my awareness of the extent of the problem and to strengthen my resolve to contribute to establishing effective policy and protections for future athletes.