

SEXUAL ASSAULT IN CANADIAN SPORT

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Athlete-Perpetrated Sexual Assault Misogyny, White Male Privilege, and Entitlement in Competitive Men's Sport

In the 1990s, researchers at the Center for the Study of Sport in Society at Northeastern University in the United States were commissioned by the National Collegiate Athletics Association (NCAA) to conduct a pioneering study of sexual assaults perpetrated by male university athletes against women. The authors of the study surveyed reports of sexual assault at twenty NCAA universities with football and basketball programs perennially ranked in the top twenty in the United States (Crosset, Benedict, and McDonald 1995). Although athletes comprised only 3 percent of the university student populations, the researchers found that male athletes were responsible for nearly 20 percent of reported sexual assaults on the university campuses.

Following their lead, other researchers in the United States and a few in Canada have illustrated the link between competitive male university sports and sexual assaults against women (e.g., Caron, Halteman, and Stacy 1997; Chandler, D. Johnson, and P. Carroll 1999; Fogel 2017; Volkwein-Caplan et al. 1997). Largely missing from this literature have been analyses that extend beyond university sport to examine how sport organizations and the criminal legal system respond to these cases. In this chapter, we focus on reported cases of individual male athletes in Canadian high school, junior, university, and professional sport who have sexually assaulted women and girls, and we reveal how the Canadian criminal legal system and sport organizations have routinely minimized, excused, and tolerated this form of gender-based violence.

The exact prevalence of athlete-perpetrated sexual assaults is difficult to determine. Sexual assault reporting rates are systemically low, with estimates suggesting that only 5 percent of sexual assaults in Canada are reported to the police (Department of Justice 2019b). Compounding this problem, police statistics and national victimization surveys in Canada do not capture specific rates of athlete-perpetrated sexual assaults. However, all existing evidence suggests that there is a link between competitive men's sport and sexual assault and that male athletes are disproportionately reported for sexual assaults against women compared with nonathletes.

Much of the North American literature on sexual assault by male athletes is focused on an American context (e.g., Boeringer 1996, 1999; Chandler, D. Johnson, and P. Carroll 1999; Cheever and Eisenberg 2020; Murnen and Kohlman 2007; Young et al. 2016). Scot Boeringer (1996, 134) surveyed 477 male undergraduate students, 16.2 percent of whom were athletes, and concluded that male athletes displayed a "greater rape proclivity." Similarly, according to another study (Chandler, D. Johnson, and P. Carroll 1999), of the 342 American college students sampled, male athletes were significantly more likely than nonathletes to perpetrate sexual assaults. These findings have been supported more recently in a meta-analysis (Murnen and Kohlman 2007) that focused on sexually aggressive behaviours and attitudes of college men and found significant correlations among men's athletic participation, hypermasculinity, and sexual aggression. Another study (Young et al. 2016) surveyed 379 male college students in the United States and found that male athletes were 77 percent more likely to engage in sexually coercive behaviours than male nonathletes. Most recently, Jamie Cheever and Marla Eisenberg (2020) surveyed 122,501 high school students in Minnesota and found that male students who were highly involved in sports were significantly more likely to coerce another person into sex than any other group.

In a Canadian study, Curtis Fogel (2017) found that male athletes frequently appear in media reports of sexual assaults on university campuses as accused perpetrators. In fact, 23 percent of media reports of sexual assaults on Canadian university campuses from the past ten years involved male athletes as alleged perpetrators. This number appears to be significantly out of proportion compared with sexual assaults perpetrated by nonathletes, particularly given that competitive male athletes comprise less than 2 percent of the Canadian university student population. Although revealing, these findings are not definitive since drawing statistical conclusions about criminal behaviour from media reports is problematic. Most crimes, especially those of a sexually violent nature, are

not reported in the media, and thus they are not captured in data derived purely from media reports. It can also be argued that athlete-perpetrated sexual assaults on university campuses are seen as more newsworthy and therefore receive more news coverage than sexual assaults committed by nonathletes. Although 23 percent cannot be taken as a precise measure, it does point to a problem of sexual assault in competitive male university sport in Canada.

Other research on competitive men's sport in the United States has drawn attention to the cultures and ideologies supporting sexual assault in sport. This literature has shown that sexist, misogynist, and homophobic views are held by many male university athletes. One study (Volkwein-Caplan et al. 1997) found that 27 percent of male university athletes reacted positively to derogatory, violent, and sexist remarks about women. Similarly, Boeringer (1996, 1999) concluded that students on men's athletic teams and in fraternities were significantly more likely to have attitudes that support rape. Likewise, in a sample of a group of college freshmen in the United States (Forbes et al. 2006), another study found that men who played contact sports in high school were significantly more likely to approve of rape, sexist attitudes, violence, and negative, homophobic views of gay men.

The connections among sexist, misogynist, and homophobic attitudes and higher rates of sexual assault are well documented. Research by Peggy Sanday (1981, 1990) identified that high levels of tolerance for sexist attitudes correlate with high rates of sexual assault. Murnen and Kohlman's (2007) meta-analysis illustrated a strong relationship among athletic participation, hypermasculinity, and sexually aggressive attitudes and behaviours. Capturing this trend succinctly, Robin Warshaw (1988, 112) argued that "athletic teams are breeding grounds for rape [because they] are often populated by men who are steeped in sexist, rape-supportive beliefs."

Taken together, this evidence suggests a high prevalence of sexual assaults perpetrated by male athletes as well as cultural belief systems in much of competitive men's sport that normalize and celebrate rape. Although these studies undoubtedly have their limitations – many focus on self-reports, utilize samples limited to university student populations, and do not include in-depth qualitative analyses – they suggest a connection between competitive men's sport and sexual assault against women. This predominantly American literature raises new, underexamined questions about athlete-perpetrated sexual assaults against women in the Canadian

context and how the Canadian criminal legal system and sport organizations have responded to this form of interpersonal, gender-based violence.

Taking up this focus, in this chapter we examine thirty publicly reported cases of male athlete–perpetrated sexual assault against women in Canada between 1990 and 2020, and we explore the relevant Canadian laws and policies shaping institutional responses to these cases. In so doing, we shed light on why sexual assaults against women appear to be disproportionately common among competitive male athletes, and how the Canadian criminal legal system and sport organizations commonly minimize, excuse, and tolerate this form of violence, particularly when it is committed by white male athletes. In this chapter, we focus on cases involving individual athletes, and in the next chapter we examine cases of male athletes who have sexually assaulted women in groups. Together these chapters reveal the ties between violent masculinities and sexual assault as well as the unique social dynamics and institutional and organizational contexts that normalize and excuse sexual assaults against women and girls.

In this chapter, we refer to reported perpetrators of sexual assaults as men, and reported victims as women, since the thirty publicly available reported cases from 1990 to 2020 reflected this gender dynamic. This language is not meant to suggest that women cannot be perpetrators of sexual assaults or that men, or people who identify as trans, nonbinary, or gender queer, cannot be victims of sexual assaults. It does reflect, however, the glaring trend that there were no publicly documented reports of female or publicly identifying nonbinary/gender queer athletes in Canada perpetrating sexual assaults.¹ To frame the following discussion of athlete-perpetrated sexual assault cases, we turn first to the wide-reaching consequences of sexual assaults against women.

Consequences of Athlete-Perpetrated Sexual Assault against Women

Sexual assault can result in serious, long-term harms for victims. Existing research on the physical, emotional, and psychological harms of sexual violence shows that victims disproportionately experience depression (Au et al. 2013), sleep disorders (Krakow et al. 2001), eating disorders (Ganson 2020), substance abuse (Kilpatrick et al. 2007), sexual dysfunction (D. Elliott, Mok, and Briere 2004), self-harm (Brooker and Tocque 2016), poor academic performance (Stermac et al. 2017), disassociation (Temple et al. 2016), anxiety and panic attacks (Hassija and Gray 2013), and suicide (Bryan et al. 2013). Many of these emotional and psychological harms have also been shown to affect secondary victims of sexual violence, such as victims' friends and family members (R. Davis, Taylor, and Bench 1995).

Beyond consequences to victims and their communities, athlete-perpetrated sexual assault can also lead to reputational harm for teams and organizations for which the athletes play. Sport organizations are currently under increased scrutiny in the wake of the #MeToo movement, which was founded by American activist Tarana Burke in 2006 and grew to global proportions in 2017, resulting in media attention on institutional responses to sexual assault on university campuses, or in the military, entertainment industry, and other institutional contexts. In this context, sport organizations have greater potential to face reputational damages if they are seen to be failing to appropriately acknowledge and respond to sexual assault allegations against athletes on their teams. Indeed, there are a few contemporary examples of such scrutiny, such as recent public dismay with the Chicago Blackhawks for failing to respond to the sexual assault of an athlete by a team trainer (Draper 2021) and calls for Hockey Canada executives to step down after their sexual assault settlement fund became publicly known (Sadler 2022). However, as the cases in this chapter illustrate, such examples are exceptions when set against the long history of sport organizations' apparent immunity from public scrutiny for their handling of sexual assaults.

In addition to possible reputational harms, teams can lose athletes from their rosters if they are suspended or incarcerated, causing team performance to suffer. In leagues in which there are salary cap restrictions in place, an athlete who is suspended for disciplinary reasons or cannot play because of a criminal trial or imprisonment often still has their salary counted toward the salary cap, which creates challenges for the team to add a new player. Athletes and sport organizations can also face financial consequences from athlete-perpetrated sexual violence. For example, sponsorship and endorsement deals can be terminated because of morality clauses in athletes' contracts.

Athletes and organizations can also be found legally liable for the harms of sexual assault. The American university sport context provides some recent examples. In 2020, an American class-action lawsuit was filed against the NCAA by women who had been sexually assaulted by male athletes at NCAA institutions. In the lawsuit, the women argued that the NCAA, as the governing body for college athletics in the United States, has a duty to "supervise, regulate, monitor and provide reasonable and appropriate rules to minimize the risk of injury or danger to student[s]" (cited in Lavigne 2020, para. 3). They further asserted that the NCAA "knew or should have known that their actions or inaction in light of the rate and extent of sexual assaults reported and made known to [the NCAA] by male student-athletes ... would cause harm to female student-athletes and non-student-athletes at NCAA

member institution campuses in both the short- and long-term” (cited in Lavigne 2020, para. 3). Similar lawsuits have been filed and won by victims of athlete-perpetrated sexual violence in the United States, even before the rise of the #MeToo movement and the resulting public attention to sexual violence. For example, in 2016, the University of Tennessee–Knoxville paid US\$2.48 million to students victimized by male football players (Rau and Wadhvani 2016). And, in 2007, a female student at the University of Colorado was awarded US\$2.5 million after being sexually assaulted by football players at the university.² Although the resolution of these cases suggests a move toward some accountability for some victims, the details of the cases in this chapter reveal the far more common trend of a lack of institutional responsibility that many sport organizations take for the sexual assaults that athletes perpetrate and for the enduring harms for the victims of this violence.

Relevant Laws Governing Athlete-Perpetrated Sexual Assaults in Canada

Most of the reported cases of individual male athletes who perpetrated sexual assaults against women discussed in this chapter fit within the legal definition of sexual assault as outlined in Section 271 of the Criminal Code of Canada. The cases that we describe and analyze all involved a single alleged perpetrator over twelve years of age, which means that the perpetrator could be held criminally responsible, and a single victim, most of whom were over sixteen years of age, which is the current legal age of sexual consent in Canada. The reports described assaults of a sexual nature that violated the sexual integrity of the victims. Nearly all thirty cases discussed in this chapter involve charges of sexual assault. In the one exception, *R v Smith*, the athlete was charged and convicted of aggravated sexual assault, defined as sexual assault that can cause serious, life-altering physical harm.³ Smith was charged with aggravated sexual assault since he failed to disclose to the women with whom he was sexually active that he was HIV-positive, and the prosecution argued, controversially, that this posed significant health risks to the women.

Although typically straightforward in legal application, cases of individual athlete-perpetrated sexual assault against women can become complicated in criminal proceedings because evidence typically is limited to witness testimonies, and the trial often revolves around the question of whether the sexual activity was consensual. When forensic evidence, such as the athlete’s semen found on the victim’s body or underwear, is available, it can demonstrate that sexual activity occurred but not that a sexual

assault definitively took place (A. Quinlan 2017). In most cases analyzed in this chapter, the male athlete did not deny that sexual activity occurred and argued instead that it was consensual. In Canadian law, consent refers to “the voluntary agreement of the complainant to engage in the sexual activity in question.”⁴ In these cases, the primary legal question is whether the complainant voluntarily agreed to engage in sexual activity with the athlete. When there is a shred of doubt, the accused can be found not guilty as the prosecution must prove its case beyond a reasonable doubt.

Reports of Athlete-Perpetrated Sexual Violence against Women

The thirty cases of reported athlete-perpetrated sexual assault discussed in this chapter occurred between 1990 and 2020, and all involved a single male athlete reported for sexually assaulting a woman or girl. In the section that follows, we separate cases by playing level and discuss them in chronological order from the date of the reported sexual assault.⁵ These cases collectively reveal some of the commonalities of reported and prosecuted athlete-perpetrated sexual assaults against women in Canadian sport over the past three decades and provide a foundation for the subsequent theoretical discussion of what fuels this form of gender-based violence in sport. Additionally, the cases illustrate the routine tolerance of sexual assault in sport organizations and how it is often minimized in the criminal legal system. The cases are divided by playing levels (junior, university, and professional men’s sport in Canada⁶) to allow for a more nuanced understanding of how and why sexual assaults are perpetrated by male athletes in these varying age groups and contexts.

Junior Sport

Junior sport in Canada primarily involves athletes between sixteen and twenty-one years old. Although many junior athletes are still high school students, junior-level sports teams form a bridge to university and professional playing levels and typically are run on a for-profit basis. In some communities in Canada, junior sports teams inspire much fanfare, particularly in regions that do not have a major professional sports franchise.

Junior playing levels occupy a unique, and in many ways controversial, place in Canadian sport. There is currently a legal debate about the amateur status of junior sport in Canada, particularly in relation to junior hockey. A major class-action lawsuit was recently filed by former junior hockey players against the Canadian Hockey League (CHL) and its subsidiary leagues in which it was argued that junior hockey players are employees and should

be fairly compensated according to labour and employment laws.⁷ A partial settlement agreement was reached to compensate eligible players in the amount of \$30 million.⁸ This lawsuit has exposed that junior sport in Canada, and especially junior hockey, generates significant profit and is not amateur, recreational-level sport. Although many male junior athletes in Canada are celebrated and given athlete celebrity status in their communities, they are not compensated financially like professional athletes. Given the relatively small numbers of athletes who make it to professional levels, most male junior-level athletes are unlikely to reach high-level professional leagues in their sports.

Male junior athletes were significantly overrepresented across all three forms of athlete-perpetrated sexual assaults examined in this book, including individual male athletes assaulting women, groups of male athletes assaulting women, and male athletes assaulting each other during hazing rituals. Of the three categories, junior athletes were most commonly involved in reported group sexual assaults against women or against male teammates during hazing rituals, as [Chapters 3](#) and [4](#) detail.

In 1993, the Sault Ste Marie Greyhounds won their first Memorial Cup, the equivalent of the NHL's Stanley Cup in the context of junior hockey. The Greyhounds were led by a star player named Jarrett Reid, who scored fifty-five goals in the season. Although he was promoted by the team as the face of the junior franchise and encouraged to represent the team at community events by signing autographs for fans, Reid also faced charges of multiple sexual and physical assaults involving two former girlfriends (Robinson 1998). The team did not publicly address the charges. After their championship season ended, Reid pleaded guilty to three charges of sexual assault, among several other violent offences, and was sentenced to nine months in prison. He was released three months into his nine-month sentence (Robinson 1998). Upon release from prison, he joined the St. Francis Xavier University men's hockey team, on which an assistant coach from Reid's previous team was coaching. Reid had a successful on-ice season and was given the St. Francis Xavier X-Men Athletic Leadership Award. Off the ice, however, there were continued reports of his violence against women, and he was subsequently charged with three counts of assault against his girlfriend and two breaches of parole. After he was charged, the Canadian Olympic Committee awarded him a Petro-Canada Athletic Leadership Scholarship (Robinson 2008). Reid eventually withdrew from St. Francis Xavier University and the men's hockey team when he was sentenced to five months in prison plus two years on probation. He then continued his hockey career playing professionally in

Europe for several seasons (*Soo Today* 2008). Despite his history of criminalized violence against women, once his playing career ended, Reid went on to coach young women's hockey in Burlington, Ontario (Alphonso and Robinson 2008).

In 2000, shortly after being cut during training camp with the Toronto Maple Leafs and returning to his previous junior team, the Ottawa 67's, Lance Galbraith was charged with sexually assaulting a young woman whom he met at a Byward Market night club (Rupert 2001a). He was released on bail, promising that he would return for his hearing. The day after he was charged, he played and scored the team's first goal. When asked by journalists about Galbraith's status with the team given the charges of sexual assault, team president Jeff Hunt stated that "Lance is one of our leaders ... The charge doesn't affect his status with the team. We're going to support Lance through this ... Hopefully this will only be a minor distraction. As was evident in the game, it appears he is carrying on business as usual" (quoted in Sands 2000). During the trial, the victim testified that Galbraith misled her to believe that a house party with other players would be taking place, but she found herself alone with him. She testified that she consented to some sexual activity with Galbraith, but that she did not consent to the vaginal intercourse that he forced on her (Rupert 2001a). She reported that, after the sexual assault, she escaped from the house and was seen by a passing police car (Rupert 2001b). Galbraith did not deny that sex had occurred, but he argued that the woman consented to all of the sexual activity (Rupert 2001a). Controversies about the admissibility of evidence in the case led to trial delays, which prompted his legal defence team to argue that his right to a speedy trial under the Charter of Rights and Freedoms was violated and caused interruptions to his professional hockey career (Rupert 2002). As a result, the charges were stayed. No disciplinary action by the team or league related to the alleged sexual assault was reported.

At eighteen years old, Cass Rhynes from Prince Edward Island (PEI) had a promising future in baseball and had been drafted to play for the Los Angeles Dodgers in Major League Baseball (MLB). In 2003, however, he was convicted of two counts of invitation to sexual touching after engaging in sexual activity with two girls who were in grade seven at the time (Morris 2003). Since they were only twelve and thirteen, under Canadian law, they could not legally consent to the sexual acts with the eighteen-year-old baseball player. At trial, Rhynes admitted to engaging in sexual activity with the girls on multiple occasions but asserted that he thought they were above the legal age of sexual consent. The prosecution successfully argued that Rhynes did

not take steps to ascertain their ages, and he was sentenced to forty-five days in prison plus probation and 100 hours of community service (Benedet 2010a). However, in 2004, he successfully appealed the decision by arguing that he “did not intimidate or incite the girls to have sex,” which overturned the original decision (*CBC News* 2004, para. 6). In overturning the decision, the judge suggested that, had the RCMP charged Rhynes with sexual interference instead of invitation to sexual touching, a conviction would have been upheld, as the girls could not have legally consented to the sexual acts regardless of whether they were intimidated or incited to perform those acts (Joyce 2008). There are no reports of Rhynes being formally disciplined by any sport organization for his sexual involvement with the girls. However, his athletic scholarship to a university in Florida was rescinded because the institution was unable to defer it indefinitely while his criminal trial and appeal trial took place (Joyce 2008). He eventually received a scholarship to play baseball for a junior college in the United States but never played in the MLB league.

Another junior athlete originally from PEI, David Herring, was charged with sexual assault in 2004. Police reported that Herring trapped a woman in a bathroom at a Peterborough, Ontario, house party and sexually assaulted her (*Sudbury Star* 2004). At the time, he was a member of the Erie Otters junior hockey team. Over a year later, charges of sexual assault and forcible confinement against Herring were dismissed by a judge (*Charlottetown Guardian* 2005). Like many of the other cases discussed here, there are no reports of any team or league disciplinary action taken against Herring. However, records show that he actively played for the Erie Otters in 2005, after having been charged with sexual assault and before the charges were dismissed (*Globe and Mail* 2005b).

Also in 2004, an unnamed seventeen-year-old male basketball player from the Vancouver area reportedly sexually assaulted a sleeping seven-year-old girl.⁹ While staying at his friend’s house, he sexually touched his friend’s sister, causing the girl to wake up and alert her mother. Although he pleaded guilty to sexual assault, the presiding judge determined at sentencing that an absolute discharge would be most appropriate for the offender and the offence. This meant that the basketball player would have no criminal conviction tied to his sexual assault of a young girl or any condition to fulfill, such as counseling or community service. Reflecting on this sentence, the judge questioned,

is a discharge an appropriate sentence? Looking at the evidence and submissions before me, I consider as to whether it is in [the unnamed

perpetrator's] interest to not have a conviction recorded. The evidence is that he is of good character and that it would be in his interest to not have a conviction. Given the absence of evidence that the conduct here is likely to reoccur, his prospects for a productive non-offending future, and the adverse inference of a conviction for a sexual offence would have on his future potential of good character, it is not contrary to the public interest to grant a discharge.¹⁰

Because the offender was seventeen years old at the time of the offence, he has not been named under Canadian law. It is not publicly known which basketball team he played for or whether he was disciplined by his team or league.

In 2007, junior football player Tyler Stephens of the Okanagan Sun was charged with nine counts of sexual assault. Marking a noticeable change in the typical nonresponse to sexual assault charges from sport organizations, after hearing about the charges, the team issued a statement to the media: "The Okanagan Sun Football Club is shocked by today's arrest of one of its players, defensive back Tyler Stephens, on the charges regarding the well-publicized sexual assaults that occurred in Rutland last year. The Okanagan Sun cannot state strongly enough the anger, contempt and distaste the organization feels towards anyone guilty of such charges" (quoted in W. Moore 2008, para. 17). The organization did not mention that Stephens was previously convicted of sexual assault while playing for the team and continued to play while serving time on house arrest (Hayes and W. Moore 2008). The team later indicated that at the time they were not certain why he was on house arrest. Stephens reportedly assaulted ten women on eleven different occasions between May and October 2007, during which time he was playing football and on house arrest (W. Moore 2008). He pleaded guilty to six counts of sexual assault and three counts of sexual assault causing bodily harm, and he was sentenced to five years in prison in addition to the thirty-two months already served at the time of his sentencing (*CBC News* 2010b).

In 2013, junior hockey player Mitchell Vandergunst, who played for the Stratford Cullitons, was charged with three counts of sexual assault against his friend's girlfriend. Vandergunst met his friend and the young woman at a bar in the town of Grand Bend. At the trial, the young woman testified that in the cab ride home from the bar Vandergunst groped her. She said that her boyfriend was reportedly very intoxicated and that Vandergunst helped him to bed before sexually assaulting her.¹¹ She underwent a forensic sexual assault exam, during which forensic evidence was collected with a sexual assault evidence kit. Forensic analysis of the kit's contents confirmed the

presence of Vandergunst's DNA in her vagina and revealed various bruises on her body.¹² After originally denying it, Vandergunst later confessed to sexual activity with the young woman but argued in court that it was consensual. He was convicted of two counts of sexual assault. While awaiting sentencing, Vandergunst was made an assistant captain of the Cullitons team and played in a game the same day that he was convicted (Robinson 2016). He remained on the team for four months until he was sentenced to one year in prison plus two years on probation (Fleming 2015b). Vandergunst appealed the conviction, and while out of prison during the appeal process he joined a new team, the Clinton Radars, and continued his hockey career. The president of the Radars, Steve Campbell, said Vandergunst's conviction on two counts of sexual assault was a "non-issue" (Broadley 2015, para. 1). In 2016, Vandergunst successfully appealed his conviction, arguing that the trial judge failed to consider evidence that the taxi driver did not see any overt sexual touching during the cab ride. As a result, the previous court's decision and sentence were overturned (*Midwestern Newspapers* 2016).

Another junior hockey player, Ben Johnson of the Windsor Spitfires, sexually assaulted a sixteen-year-old intoxicated young woman in a bathroom stall in a Windsor nightclub in 2013 during the team's end-of-season party. She was later found on the floor of the stall, barely conscious, with significant vaginal bleeding (Sacheli 2016). Johnson denied having sex with her, but forensic evidence later contradicted this claim (Sacheli 2017). However, his legal defence team successfully argued that the forensic evidence, collected with a penile swab, should be excluded from the trial because it was collected without a warrant.¹³ During the investigation, another young woman came forward and accused Johnson of sexually assaulting her in a bathroom stall at a different nightclub a few weeks earlier, which led to a second sexual assault charge. Johnson was found guilty and sentenced to three years in prison (Pazzano 2017). Like Vandergunst, he appealed the decision, but his effort was unsuccessful (Pazzano 2017). Johnson was drafted by the New Jersey Devils of the NHL in 2012 but never played in an NHL game. He went on to play for the Cincinnati Cyclones in the East Coast Hockey League.

At the beginning of the 2015 season, the Gananoque Islanders junior hockey team held a rookie initiation party. Young women were invited to attend and witness the hazing activities involving the rookie male athletes. At one point during the party, a veteran player on the team, Chance Macdonald, trapped a sixteen-year-old young woman in a room and sexually assaulted her (Krishnan 2017). Her friend interrupted the sexually violent

encounter. When the victim reported the sexual assault to the police, Macdonald was charged with sexual assault and forcible confinement. His lawyers arranged a plea deal in which he pleaded guilty to assault, rather than sexual assault, with a sentence of eighty-eight days to be served on weekends (O'Reilly 2017). The judge approved the plea deal. Explaining his rationale, the judge stated that

I played extremely high-end hockey and I know the mob mentality that can exist in that atmosphere. I'm sure you disappointed not only a lot of people including your parents, but yourself. Not everyone has the talents that you have, and you have them. If there was a trial and you were convicted of a sexual offence, I have no doubt that would have dramatically changed the course of your life. That would have been extremely unfortunate given how accomplished you were at the time, and your potential. (quoted in Gibson 2017, para. 11)

Macdonald delayed serving his sentence for four months while completing an internship through the business program at Queen's University (Yanagisawa 2017). There are no reports of the league disciplining the team for holding a rookie hazing party or Macdonald for assaulting a young woman at the party.

While playing for the Nipawin Hawks in the Saskatchewan Junior Hockey League, Garrett Dunlop was charged with sexual assault and sexual interference in 2015. On two occasions, he reportedly engaged in sexual acts, including oral and vaginal sex, with a thirteen-year-old girl when he was nineteen (MacPherson 2017b). At his trial, he argued that he assumed she was older because she mentioned drinking, smoking, and having friends in high school (MacPherson, 2017a). Dunlop was found not guilty on both counts (Oleksyn 2017). There are no reports that he was ever disciplined by his team or the league. He went on to play for the Vancouver Island University men's hockey team and was named a First Team League Allstar for the 2019–20 season (Vancouver Island University Athletics 2022).

In many of the sexual assault cases involving junior-level athletes, sport organizations responded with silence, and trial judges in the criminal legal system made statements that minimized, dismissed, or excused the reported sexual assaults. Many of the junior athletes successfully challenged the sexual assault charges in court and subsequently moved with relative ease between teams and sport organizations. Their capacity to successfully launch criminal defences while maintaining their mobility within

sports is a mark of the relative privilege that many of these athletes carry. Even when convicted, they were able to continue their playing careers. All of the junior-level athletes discussed here present as white and thus carry privilege stemming not only from their gender and status as athletes but also from their whiteness. The impact of these intersecting privileges of race, gender, and athletic status can be seen in some of the trial judges' deliberate mention and consideration of athletes' "potential" (cited in Gibson 2017, para. 11) and "good character"¹⁴ in the justifications of their rulings. Sport organizations' characterization of some of the reported sexual assaults as "a minor distraction" (cited in Sands 2000) or a "non-issue" (Broadley 2015, para. 1) likewise reflects the privilege and institutional protection that many of these athletes are granted, regardless of the outcome of a criminal investigation and trial. At the junior playing level, unpaid athletes are often considered valuable commodities who can generate significant profits for their organizations. In this context, it is perhaps not surprising that junior-level sport organizations commonly choose to ignore or minimize reports of athlete-perpetrated sexual assaults. With few exceptions, these cases illustrate how both sport and legal institutions can work in ways that normalize and excuse sexual assaults against women and girls.

College and University Sport

Canadian college and university sports are played by athletes who are typically eighteen to twenty-six years old. Although there can be overlap in the ages of some junior-level athletes, college and university athletes are usually a few years older. In contrast to junior sports in Canada, college and university sports are generally not seen as launchpads to being drafted or signing high-paying contracts in major men's professional sport leagues (Ellis 2022). College and university sports, however, can still carry much fanfare at post-secondary institutions and often receive significant support from the college and university communities.¹⁵ Many of the athletes do continue their playing careers in semi-professional leagues in North America and other professional leagues in Europe and around the world. College and university sports are highly competitive and involve fierce competition between athletes for limited scholarships and a degree of celebrated status on campus and in the community.

As a junior hockey player, Jarrett Reid was convicted of sexual assaults against women and sentenced to serve prison time. Upon his release, he secured an athletic scholarship to St. Francis Xavier University in Nova Scotia to continue playing hockey. While there, he was again charged and

convicted of sexual assault. Reid voluntarily withdrew from the university after he was sentenced to five months in prison plus two years on probation (*Soo Today* 2008). In the same season, 1997–98, his teammate Andrew Power was charged with two counts of sexual assault stemming from two separate incidents (Robinson 1998). Power was convicted, but his sentence has not been reported. He has reportedly gone on to coach boys' hockey (R. Ross 2019).

In 2000, Michael Hofstrand captained the Southern Alberta Institute of Technology (SAIT) Trojans to a national collegiate championship and was named the national collegiate player of the year. A year later he was charged with the sexual assault of a woman on SAIT's women's hockey team (Slade 2002a). The victim reported that she and others went back to Hofstrand's home after a night of drinking at a Calgary bar. She testified that she fell asleep and awoke to find Hofstrand sexually violating her (Slade 2002c). At the trial, an additional player from the SAIT women's hockey team testified that she too was sexually violated by Hofstrand the same night (Slade 2002b). She indicated that her memory of exactly what happened was not clear enough to file a complaint with the police. Hofstrand testified that he had no memory of what transpired from the time he left the Calgary bar to the time he awoke the next morning (Slade 2002c). After two days of deliberations, a jury found Hofstrand not guilty (*Charlottetown Guardian* 2002). After he was charged and before the trial, he received the national player of the year award and continued playing hockey (Slade 2002b). No disciplinary measures by SAIT or the Canadian Collegiate Athletics Association for the alleged sexual assaults against the two female SAIT hockey players were reported.

In 2001, a female wrestler reported that Terry Nixon, a male wrestler for the Bisons Wrestling Club at the University of Manitoba, sexually violated her on multiple occasions (McIntyre 2008b). In 2004, she notified the police. She reported that she also told the club director, Nat Brigante, what happened, and that he threatened her to remain quiet (McIntyre 2008b). At the trial, Brigante testified that she never told him about the sexual assaults. Nixon was found not guilty (McIntyre 2008a). After the trial, the club was disbanded, and Brigante was dismissed from his position at the University of Manitoba. It is unclear in public records whether this dismissal was related to the reported sexual assaults.

Mark Yetman, a goaltender for the Brock University Badgers hockey team, was convicted of sexually assaulting three women in December 2009 and January 2010. After meeting two women at a St. Catharines bar, he and a teammate went back to Yetman's residence. Reports suggest that, after

breaking off into two rooms, Yetman and his teammate engaged in consensual sexual activity with the women. However, one woman later recounted that Yetman became increasingly violent; she asked him to stop, but he refused (Walter 2012). He then reportedly entered the other room, asked his teammate to leave, and proceeded to violently sexually assault the other woman (Walter 2012). Media accounts suggest that Yetman remained a member of the Brock University hockey team throughout the investigation of the reported sexual assaults. The following January he was accused of a third sexual assault of another woman whom he met at a St. Catharines bar (Dakin 2013). In a jury trial in 2012 for the first two sexual assaults, Yetman argued that, though the sex was what he called “rough,” it was consensual (Dakin 2012). Members of the jury disagreed and found him guilty on both counts of sexual assault. Released on bail while awaiting sentencing, Yetman returned to his home province of Newfoundland and continued to play hockey. In the days before his sentencing, he won a senior men’s league championship. He was sentenced to two years less a day, with strong encouragement from the judge to pursue anger management counselling while incarcerated. Shortly thereafter, he faced a second trial for the third sexual assault, during which he pleaded guilty. Over forty coaches, teachers, and acquaintances wrote character references for Yetman claiming that he was of good character. He was sentenced to three years to be served concurrently with his previous sentence (Dakin 2013).

The University of Saskatchewan (U of S) Huskies men’s volleyball team recruited Matthew Alan Meyer in 2017 after he played for Medicine Hat College (MHC). The U of S coach reportedly did not tell university officials that Meyer was charged with sexual assault of another MHC student in 2016 (Yard 2018). The young female student attended a party at the college residence where Meyer lived. After consuming alcohol, she passed out on a couch. She awoke to find Meyer sexually assaulting her and taking pictures on his cell phone. When Meyer was arrested, police found 147 images of the sexual assault on his phone (Deibert 2018). He confessed to police, then pleaded not guilty at his trial, but then changed his plea to guilty. He was sentenced to two years in prison (Revell 2018). After sentencing, he voluntarily withdrew from the U of S. The university fired the coach, Brian Gavlas, who defended Meyer, whom the coach thought should “be supported and part of a passion and a sport that he enjoyed and a group of guys that could support him” (quoted in Deibert 2018, para. 7).

In 2016, another male university athlete, Patrick Walsh, recorded images of an intoxicated young woman whom he sexually assaulted. Walsh

reportedly streamed a FaceTime video of her while she was naked and vomiting in a bathroom after the sexual assault (B. Powell 2018). Before the assault, Walsh had returned home from Detroit Mercy University, where he played on the lacrosse team. He met the young woman, a student at Ryerson University (now Toronto Metropolitan University), at a Toronto bar and invited her back to his mother's downtown condo, where, the victim testified, he sexually assaulted her (B. Powell 2019). A jury found Walsh guilty of sexual assault. He was sentenced to two years in prison (Pazzano 2019). Records show that Walsh continued to play lacrosse for Detroit Mercy University in 2018 and 2019 while awaiting his trial and sentencing, and he withdrew from the team only once he was incarcerated.

While playing for the Laurentian University Voyageurs men's hockey team in 2016, Blake Luscombe was charged with one count of sexual assault (D. MacDonald 2016). Although details of the reported sexual assault have not been released publicly, the coach of the team, Craig Duncanson, suspended Luscombe from the team following the charges. Explaining this relatively rare sanction against an athlete accused of sexual assault, Duncanson stated that "[Luscombe] has been suspended for breaking the team's code of conduct" (quoted in Moodie 2016, para. 8). The sexual assault charges were withdrawn in February 2017 (D. MacDonald 2018). Luscombe continued his hockey career in Europe and never returned to play for Laurentian University.

In 2018, Davonte Provo, a basketball player at St. Francis Xavier University, was charged with sexual assault in what the university described as a "drug-facilitated sexual assault at an off-campus location" (cited in Lowthers 2019a, para. 3). Similar to Luscombe, Provo was immediately suspended from the university and the basketball program. No updates on the status of his criminal charges have been publicly reported at the time of this writing.

In 2019, Edward "Eddie" Ekiyor, a basketball player at Carleton University in Ottawa, was charged with sexual assault after a woman reported to police that he allegedly gave her a date rape drug and sexually assaulted her (L. Carroll and Crawford 2019). Having just won a national championship with the university, Ekiyor was named the MVP of the championship tournament. One week before his criminal charges were published in the news, Ekiyor announced that he would be leaving Carleton University to pursue a pro contract (Silva 2019). Records suggest that the university did not impose any disciplinary measures against him for the reported drug-facilitated sexual assault. Ekiyor was found not guilty at his trial since the judge was unable to determine that it was Ekiyor who gave the woman the date rape drug before

they engaged in sexual activity, which Ekiyor argued was consensual (Duffy 2021).

Like many of the cases involving junior-level male athletes, many of the college- and university-level athletes accused of and prosecuted for sexual assaults received significant support and accolades from their coaches and in some cases sport organizations. In a few notable cases, however, accused and prosecuted athletes were suspended by their teams and/or colleges or universities and convicted in criminal trials. Despite these suspensions and prosecutions, in most cases the athletes were able to maintain their playing careers, continue to accrue markers of athletic achievement, and move easily to other teams and sport organizations. In this context, being accused or convicted of sexual assault seemingly does not reduce the relative privilege that many of these athletes carry within sport contexts. As with junior-level athletes, most of the accused athletes present as white, except for the two basketball players, Davonte Provo and Eddie Ekiyor, both of whom, it is worth noting, were unable to continue playing for their university teams, unlike most of the white male college and university athletes discussed.

Professional Sport

There are two types of men's professional sport leagues in Canada. American men's professional leagues that have franchises in Canada – such as the National Hockey League (NHL), National Basketball Association (NBA), and Major League Baseball (MLB) – are billion-dollar industries, featuring athletes commonly paid in the millions of dollars, in addition to their endorsement contracts. In contrast, Canadian-specific professional sport leagues are smaller in scale and generate significantly less revenue. Of all the Canadian professional leagues, the Canadian Football League (CFL) appears to be most often represented in reported sexual assaults.

The CFL has a long history in Canada. It was established in 1958 and has built a significant spectator following (Fogel 2012). Although CFL players are not paid in the millions of dollars like their National Football League (NFL) counterparts, their games are featured on national television stations in Canada and played in large fan-filled stadiums, with regular-season games averaging over 25,000 fans in attendance (Ralph 2021). Although their paycheques might be one-tenth or less of an average NFL player's salary, CFL players are considered athlete celebrities in many Canadian communities. A recent survey conducted by Reginald Bibby identified that 21 percent of Canadians follow the CFL, making it one of the most popular spectator sports in the country (Ralph 2021).

Professional athletes in Canada typically range in age from twenty-one to thirty-eight. Eleven of the thirty cases analyzed in this chapter featured professional athletes. However, as we will identify in subsequent chapters, there are only a few cases of reported group sexual assault by professional athletes against women and no cases of sexually violent hazing against a professional male teammate. This is not to say that these forms of violence do not occur in professional men's sport in Canada, but they are not commonly reported in the media or prosecuted in the criminal legal system.

In 1994, NHL player Petr Nedved was charged with sexually assaulting a woman in her Vancouver-area home while the NHL was in a labour lockout (*AP News* 1996b; *Orlando Sentinel* 1996). Shortly after, Nedved was traded from the Vancouver Canucks to the Pittsburgh Penguins. When the Penguins were in Vancouver to play the Canucks, Nedved turned himself in to police. Few details have been released on the case; however, the charge was eventually stayed (*Let's Go Pens* 1997). There have been no reports of any disciplinary action by his team or by the NHL.

In 1995, Calgary Stampeders player Toney Bates was arrested for sexually assaulting a woman at the University of Calgary, near McMahon Stadium, where the Stampeders play (Murray 1995a). After he was charged and released by police, Bates moved to California, where he faced new charges for sexual battery against his former girlfriend's sister (Clarridge 2008). Before joining the Stampeders, Bates played for the University of Iowa, where he also faced multiple charges related to sexually violent acts against women. He has since been accused in more than two dozen incidents of sexual misconduct (Green 2008). Although he has never faced trial in Canada for the reported sexual assault at the University of Calgary, Bates has spent much of his adult life in and out of prison for other subsequent sexual assaults (Clarridge 2008). A rookie at the time of the sexual assault allegations in Calgary, Bates was cut from the roster when he left the country (Murray 1995a).

Just a few months after being named World Boxing Championships (WBC) super middleweight champion in 2000, Dave Hilton Jr. lost his title when he was sentenced to seven years in prison for sexually assaulting two young women (Mulvaney 2007). In 2004, they came forward publicly and revealed their identities as his daughters. While on parole in 2007, Hilton returned to the boxing ring and won a match in Montreal. In 2009, he was again charged with sexual assault, this time of an adult woman (*CBC News* 2009a). The woman refused to testify against Hilton, which led to his acquittal. He has since faced additional charges for allegations of

violence against women; none have led to convictions (Sutherland 2014). There are no reports of any repercussions or formal discipline of Hilton by the WBC for perpetrating sexually violent acts against his daughters or reportedly against other women.

CFL player Bernard Williams was accused of sexually assaulting a woman in 2006. After his arrest, bail was set at \$100,000 for his release. Reports suggest that the Toronto Argonauts president at the time, Keith Pelley, wrote the cheque to secure Williams's release (O. Moore 2006). The woman testified that she met Williams at a Toronto nightclub before they and other players from the team went back to her friend's home. She fell asleep and reportedly awoke to Williams sexually violating her. At the trial, she stated that "I threw myself out of bed (and) started screaming at him. I don't even know you. How could you do something like this to me?" (quoted in Lorigio 2009, paras. 10–11). The judge found Williams not guilty (Kari 2009). He was not suspended or disciplined by the CFL or the Argonauts. Instead, reports indicate that he was supported by the team throughout the judicial process (O. Moore 2006).

Around the same time, another CFL player, Trevis Smith, was charged with aggravated sexual assault after he had unprotected sexual intercourse with multiple women without disclosing that he was HIV positive.¹⁶ According to the evidence at his trial, Smith received notification from a public health authority in 2003 that one of his previous sexual partners tested positive for HIV and that he should get tested. The woman believed that she contracted HIV from Smith (Warick 2005). He tested HIV positive and was asked to disclose a list of his sexual partners. He reported that he was involved in sexual relationships with eight or nine women in the past but did not mention the two women with whom he was currently having ongoing sexual relationships.¹⁷ One of those women confronted him, and he reportedly asserted that he was not HIV positive (Walton and Maki 2007). Smith was found guilty of aggravated sexual assault and sentenced to five and a half years in prison.¹⁸ He was suspended by the Saskatchewan Roughriders at the time of his arrest (Hutchinson and Bellett 2005).

Like many of the other athletes discussed in this chapter, Josh Boden, who played for the BC Lions and Hamilton Tigercats in the CFL, has been at the centre of many reported incidents of violence against women. In 2008, while playing for the BC Lions, he was charged with assaulting his girlfriend. However, the charges against him were dropped after his defence counsel identified inconsistencies between the woman's testimony on the witness stand and her previous report to police. The Lions released Boden from

the team after he was charged. Once charges were dropped, he resumed his playing career with the Tigercats (Little 2008). When the Tigercats released him to create a roster spot for another player, Boden returned to Vancouver. His girlfriend, whom he reportedly blamed for ruining his football career, was found murdered in March 2009. Police began to conduct surveillance on Boden and observed him sexually assaulting a woman at a Vancouver SkyTrain station. He was also later charged with sexually assaulting a woman in an office building elevator (D. Ward 2009), and he was a suspect in at least four other reported sexual assaults, for which he was never charged (Bolan 2009). In 2011, Boden was found guilty of the two counts of sexual assault and sentenced to one year in prison. He has since been charged for other acts of violence against women, and in 2018 he was charged with the 2009 murder of his girlfriend, Kimberly Hallgarth, when police discovered new evidence linking him to the crime (K. Larsen 2018). In 2021, Boden was convicted of that murder (Fraser 2021).

In 2006, Adam Braidwood was drafted first overall in the CFL Canadian draft and nominated for most outstanding rookie in the season. Over the next few seasons with the Edmonton football team, knee injuries limited his on-field participation and performance, which hampered a seemingly promising football career. Then, after reports that he committed acts of domestic violence against his girlfriend in 2010, he was released from the team in 2011 (Blais 2013). As revealed in the trial, during the domestic violence, Braidwood brought out a firearm, threatened to kill his girlfriend, choked her, and sexually assaulted her (Kornik 2013). He pleaded guilty to sexual assault and was sentenced to four and a half years in prison (Parrish 2013). Upon release from prison, he became a professional boxer and won the World Boxing Union (WBU) heavyweight title.

In 2015, a player for the development team of the Vancouver Whitecaps soccer team, Sahil Sandhu, was charged with sexual assault (Canadian Press 2015b). In a separate incident, another player from the Whitecaps, Anthony Blondell, was charged with sexual assault in 2018 (Adams 2020). Both players received indefinite suspensions from Major League Soccer (MLS), subject to the outcomes of their criminal proceedings. The details of both sexual assaults have not been reported in the media. However, it is known that Sandhu pleaded guilty to assault, rather than sexual assault, and received an absolute discharge. He has since rejoined the Whitecaps farm team. Blondell's trial was scheduled to begin in January 2021, but he did not appear, leading to an active warrant for his arrest (Johal 2021). He is currently playing professional soccer in Venezuela (*ESPN* 2023).

Since 2011, the BC Lions of the CFL have taken some measures to publicly denounce gender-based violence through their Be More Than a Bystander Campaign. In 2018, however, media reports indicated that the team signed defensive lineman Euclid Cummings to a \$150,000 contract plus a \$70,000 signing bonus even though he faced multiple criminal charges for incidents of violence against women (Edwards 2018b). Cummings was charged with the sexual assaults of two women, as well as assaults and threats to cause death or bodily harm, stemming from incidents in Vancouver in 2016 while he played for the Winnipeg Blue Bombers (Adams 2018). The Blue Bombers have acknowledged that they were aware of the investigation and informed the league. However, two years after the alleged acts and a year after being criminally charged, Cummings played the entire 2017 season before he signed with the BC Lions in 2018 (Edwards 2018b). In 2018, the CFL voided his contract with the Lions. The CFL did allow Cummings, however, to keep the \$70,000 signing bonus (Edwards 2018a). No updates on the status of his criminal charges have been publicly reported at the time of this writing.

Also in 2018, the CFL issued a statement that another player, Teague Sherman, who played for the Ottawa Redblacks, would be released from his contract and unable to sign with any other team after he was charged with two counts of sexual assault after three women in Ottawa filed police reports against him (Yogaretnam 2018). According to a statement issued by the league office, “the league will not register a contract for Sherman should any team attempt to sign him. The Canadian Football League has and abides by a policy on violence against women and condemns violence against women in all its forms” (cited in *CBC News* 2018, para. 8). Details of the alleged sexual assaults have not been released publicly. However, reports suggest that Sherman pleaded guilty to assault in exchange for having his sexual assault charges removed and received a suspended sentence of two years on probation (*3DownNation* 2021).

The context of the CFL’s public condemnation of Cummings’s and Sherman’s reported violence against women in 2018 is significant. Around the same time, the #MeToo movement, shining light on the commonality of sexual assault and institutions’ failure to respond to it, was gaining momentum across North America and internationally. Institutions and organizations seen not to be taking sexual assault seriously were receiving significant public scrutiny (Case 2019). It was in this context that the CFL seemingly took such decisive action against these two players. In the years before #MeToo, professional sport leagues’ responses to reported and prosecuted cases of sexual assault were largely inconsistent; in most cases, leagues responded

with silence; in others, they responded with either public support for or suspension of the athlete. Most notably, however, in many cases, athletes moved with apparent impunity between teams and across sport organizations.

In contrast to most of the cases involving junior- and university-level athletes, in many cases involving professional athletes, the criminal legal system seemingly responded with more severe sentences. Unlike many of the white-presenting athletes accused of sexual assault at junior and university levels of play, the majority of the professional male athletes prosecuted and convicted for incidents of violence against women are Black men or men of colour. It is also worth noting that, of all the cases discussed in this book, the criminal charge of aggravated sexual assault, which carries the longest sentence of all sexual offences, appeared in the case of Trevis Smith. He was criminalized for not disclosing his HIV status – a widely criticized criminal charge in Canada¹⁹ – and is a Black man. The disproportionate criminalization of Black men, Indigenous men, and people of colour in Canada is well documented (Neugebauer 2000; Owusu-Bempah et al. 2021; Owusu-Bempah and Wortley 2013). Decades of work by feminists of colour have pointed to the racism that fuels the heightened criminalization of men of colour for violence against women compared with white men (see Critical Resistance and INCITE! Women of Color against Violence 2016; A. Davis 1983; Gruber 2020; Richie 2012). Although the criminal legal system seemingly delivered more convictions and longer sentences in cases involving professional athletes compared with athletes at lower playing levels, the broader context of racism in the criminal legal system sheds critical light on the legal responses in these cases.

Making Sense of Athlete-Perpetrated Sexual Assaults

The reported cases of sexual assault at junior, college, university, and professional playing levels point to an enduring rape culture in competitive Canadian men's sport, in which sexual assaults are routinely tolerated by other athletes, teams, and league officials and in some cases ignored or excused by the Canadian criminal legal system. Although undoubtedly there are cases that deviate from this trend, many reflect an institutional tolerance of sexual assaults perpetrated by male athletes, particularly white male athletes. Most significantly, regardless of whether an athlete was suspended or criminalized, most of the athletes in these cases retained the ability to move seamlessly between teams and sport organizations. Organizations that ignored or excused the sexual assaults committed by their athletes were not held accountable for their ongoing tolerance of gendered violence.

Rape culture has been defined as being characterized by “attitudes and cultural messages that continually downplay the extent of sexual violence, stigmatize those who are assaulted, and celebrate male sexual aggression” (Whitlock and Bronski 2016, 38). When sport organizations fail to respond to reports of sexual assault, and choose instead to ignore or minimize them and celebrate the accused athletes, they become complicit in maintaining and reproducing a rape culture in competitive men’s sport.

The culture that condones and normalizes sexual assault in Canadian competitive men’s sport organizations is fostered and maintained through a unique set of gendered social relations and institutional practices. The dynamics of a competitive, hierarchical, social institution of sport, as well as competitive athletes’ complex social status within and outside sport, fuel rape culture in these spaces. Within the total institution of competitive sport, male athletes’ worth is highly conditional on their athletic success, and athletes possess limited bodily autonomy and opportunities to consent to physical harm to their bodies during play (Fogel 2013). Paradoxically, male athletes carry societal privilege because of their gender, athletic status, and in some cases their race, and often they are given entitlements that result in the social, legal, and institutional tolerance of violence that they commit. Considering the significant number of reported cases of male athletes who perpetrate sexual assaults against women, these unique social relations and institutional practices that uphold rape culture in competitive men’s sport warrant further investigation.

Masculinity and Consent in the Total Institution of Competitive Men’s Sport

There is an obvious gendered element of the perpetration of sexual assaults by individual athletes. In all thirty reported cases discussed in this chapter, the alleged perpetrators are identified in public records as male and the victims as female. Any explanation of athlete-perpetrated sexual assault must account for this gendered dynamic. As Anne Cossins (2000, 44), along with many other feminist scholars, argues, “rape arises from culturally specific gender practices.” Gender is thus pertinent to understanding sexual assault in sport.

Significant sociological and feminist theorizing and research have been done on how male athletes learn to “do gender” (Messerschmidt 1993, 83) through developing contextually appropriate and valued masculinities in and through sport. Masculinities are not inherent, fixed, or stable but are continuously

developed and maintained. As Michael Kimmel and Michael Messner (1995, xx) explain,

men are not born, growing from infants through boyhood to manhood, to follow a pre-determined biological imperative, encoded in their physical organisation. To be a man is to participate in social life as a man, as a gendered being. Men are not born; they are made. And men make themselves, actively constructing their masculinities within a social and historical context.

Competitive men's sport environments have long been identified as significant social and historical contexts in which boys and young men learn and develop masculinities (Burstyn 1999; Kidd 1987; Messner 1995, 2007; Messner and Sabo 1994; Sabo 1985). Raewyn Connell (1987, 84–85) describes sport as an “organizing institution for the embodiment of masculinity ... [in which] images of ideal masculinity are constructed and promoted most systematically.”

All of the athletes discussed in this chapter, as well as in the next two chapters, which feature different forms of athlete-perpetrated sexual assaults, were teenage boys and young men at the times of the reported sexual assaults. It could be argued that, as members of competitive sport teams, these athletes exist in a space that Kimmel (2018, xix) has termed “Guyland,” which he describes as “both a social arena and a stage of life between adolescence and adulthood.” Guyland is a formative space in which masculine identities are developed alongside high levels of social and peer pressure to conform to masculine ideals and expectations. A primary task of adolescents in Guyland is to overcome a general “fragile sense of manhood” (Kimmel 2018, 18) among young men. Kimmel (2018, 9, 10) describes Guyland as a social space in which “guys gather to be guys” and “shirk the responsibilities of adulthood and remain fixated on the trappings of boyhood, while at the same time struggle heroically to prove they are real men despite all the available evidence to the contrary.” Teenage boys and young men commonly face such a social space when they enter the world of competitive men's sport.

There is not a single masculinity formed or expected across all competitive men's sports. Rather, different masculinities emerge in different sport contexts in which young men shape, reaffirm, and develop masculine identities. In 1987, Connell argued that multiple masculinities within social spaces are organized on a social hierarchy in which one form gains hegemony over

all others. Explaining this further, Connell (1987, 183) wrote that “hegemonic masculinity is always constructed in relation to various subordinated masculinities as well as in relation to women.” For Connell (1995), gender and power are largely interconnected and inseparable. Connell and James Messerschmidt (2005) clarified and expanded the concept of hegemonic masculinity, identifying that it is not singular, fixed, or static but must be accomplished continuously and is variable by social context.

Connell and Messerschmidt’s (2005) reconception of hegemonic masculinity is valuable for understanding sexual assault in Canadian sport. There are indeed idealized or “exalted” (Carrigan et al. 1985, 592) masculinities in competitive men’s sports. These masculinities are shaped in relation to the unique contextual factors of those settings and in turn contribute to shaping those settings. Importantly, continuous work by male athletes is required to accomplish hegemonic or exalted masculinities in competition with their peers.

The cases of athlete-perpetrated sexual assault against women examined in this chapter all occurred in highly competitive levels of men’s sport. A study of 105 college men (Caron, Halteman, and Stacy 1997) identified that hyper-competitiveness was significantly correlated with reported sexual aggression. The playing levels in the cases discussed in this chapter are characterized by “The Lombardian Ethic” (Twin 1997, 184), rooted in the now colloquial expression of “winning isn’t everything; it’s the only thing,” popularized by former American football coach Vince Lombardi. Male athletes in junior, college/university, and professional sports in Canada are expected to be fully committed to winning at any cost and required to constantly compete with opposing teams for wins and championships, as well as with teammates for playing time and advancement opportunities, including higher playing levels, limited scholarships, and professional contracts. In this context, male athletes are socialized to aspire to masculine identities that exude toughness, strength, power, and dominance. This identity formation is understood as part of the blueprint for assembling competitive athletes and winning teams (Messner 2007). These developing masculinities thus intersect with the competitive, hierarchical relations within the social institution of sport. As Connell and Messerschmidt (2005) identify, accomplishing hegemonic masculinity in any organizational setting is highly competitive and involves continued power struggles. Competitive men’s sport in Canada further fuels such power struggles among young men. The sport ethic that they learn and are expected to adopt in these spaces is to be hyper-competitive with and dominant over all others.

This highly competitive sport ethic is largely inescapable within the institution of sport, particularly at elite playing levels, which often have a totalizing nature. Fogel's (2013) study of junior, college/university, and professional football players found that athletes' involvement in sport is commonly all encompassing. There are times when competitive football players have up to three practices in a day in addition to team sessions reviewing plays and strategies in a classroom, watching game footage, eating meals, and weightlifting. Not unlike in the military, in competitive sport, athletes are organized, regimented, and trained to fulfill a largely singular purpose: winning athletic contests. This environment can be characterized as a *total institution*, a term first popularized by Erving Goffman (1961).

In his study of asylums, Goffman (1961, 6) described the characteristics of a total institution:

First, all aspects of life are conducted in the same place and under the same single authority. Second, each phase of the member's daily activity is carried on in the immediate company of a large batch of others, all of whom are treated alike and required to do the same thing together. Third, all phases of the day's activities are tightly scheduled, with one activity leading at a prearranged time into the next, the whole system being imposed from above by a system of explicit formal rulings and a body of officials. Finally, the various enforced activities are brought together into a single rational plan purportedly designed to fulfill the official aims of the institution.

Goffman's total institution has many parallels with the totalizing nature of many competitive sport environments. Although competitive sport differs from the total institutions that Goffman visited and researched in the 1950s, in that there are no high walls, fences, or forests that surround sport venues to prevent escape, the walls around sport environments are largely symbolic. Although conceivably an athlete could decide not to follow along with the deeply prescribed training schedule and meeting times, doing so could result in sanctions that would affect the athlete's career, such as a suspension or removal from the team, which could impact future employment and financial security. In this sense, within competitive sport environments, there is often significant coercive control over athletes' behaviour and decision making.

Goffman (1961) argued that total institutions resocialize the individuals within them, stripping people of their individual identities, values, and beliefs, while socializing individuals into new behaviours, attitudes, and

identities. This concept is analogous to Michel Foucault's (1995, 231) notion of the modern prison as a "complete and austere institution." Foucault argued that prisons make the incarcerated person's body and mind "docile" (135) and therefore malleable. In a similar way, the total institution of competitive sport strips athletes of their individual identities and socializes them to be tough, strong, and more likely to win in their athletic endeavours. When a competitive team enters the field, rink, or court, they move in unison like marching military troops. They warm up in concert, choreographed as tightly as an elite dance troupe. And, when the whistle blows to start the game, they are expected to fight in unity to punish and outscore their opponents. In this context, athletes are no longer seen as individuals but as a group of "docile bodies" (Foucault 1995, 135) to be used in athletic conquests.

Although total institutions can be effective in creating conformity and commitment to a shared goal, when combined with other organizational factors discussed later in this chapter, they can also be breeding grounds for violent and destructive behaviours and foster cultures that normalize and trivialize sexual assaults and other forms of interpersonal violence. Approximately 26,000 people in the American military experienced unwanted sexual contact in 2012 alone (Burris 2014). A recent survey revealed that more than a quarter of women in the Canadian military have been sexually assaulted in their workplace (Honderich 2021). In 2008, an estimated 216,600 sexual assaults occurred in American prisons (Kaiser and Stannow 2011). Prisons and the military are clear institutional hot spots for sexual assault where violent attitudes, beliefs, and behaviours are often tolerated and promoted. As the cases discussed in this chapter and elsewhere in this book suggest, so too is competitive men's sport.

The highly competitive, totalizing institution of men's sport in Canada creates a system of what Messner (1992, 33) terms "conditional self-worth" for young male athletes. An athlete might have a poor performance on the field of play, receive condemnation from the crowd and coaches, and be shunned by teammates, even though a few days earlier the athlete hit a game-winning shot and was celebrated as a hero by coaches, teammates, and fans. Likewise, injuries can take athletes out of athletic competitions and instantly end their athletic careers. This notion was expressed well by one junior Canadian football player: "We are all aware of the potential that your career could be over [with] the next snap because some guy rolls up on you from behind and you blow every ligament in your knee" (quoted in Fogel 2013, 39). Hegemonic dominance in competitive men's sport rests largely on performing and winning

at the highest possible level, simultaneously cooperating with teammates to achieve shared goals while competing with them for recognition, opportunities, and advancement. As Messner (1992, 88) identifies, “the structure of athletic careers is such that individuals on teams are constantly competing against each other – first for a place on the team, then for playing time, recognition, and ‘star’ status, and eventually just to stay on the team.”

An athlete’s worth and masculine status are thus highly unstable. Reflecting this sentiment, Kimmel (1994, 122) writes that “masculinity must be proved, and no sooner is it proved than it is again questioned and must be proved again – constant, relentless, unachievable.” Other scholars have used various terms to capture this idea: Michael Kaufman (1987, 7) refers to “the fragility of masculinity,” Martin Heesacker and Steven Snowden (2013, 121) identify “precarious manhood,” and Curtis Fogel (2017, 139) discusses “precarious masculinity.” Each term similarly points to the instability of performances of masculinity. In the context of competitive men’s sport, young male athletes develop their masculine identities in a highly competitive environment in which worth is constantly measured and can fluctuate wildly from one practice, game, or season to the next. All the while, the masculine identities of athletes are constantly scrutinized in “the policing of masculinity” (Reigeluth and Addis 2016, 74).

As some scholars have argued, sexual assault against women is one method that some male athletes use to stabilize a sense of power, control, and dominance in a highly competitive male space and to reduce anxieties about and fears of being perceived as unmasculine. According to Kaufman (1999, 17), sexual assault is a “*compensatory mechanism* ... a way of re-establishing the masculine equilibrium, of asserting to oneself and to others one’s masculine credentials.” Likewise, “sexual harassment and sexual assault are particularly likely to occur in tightly knit competitive male groups (e.g. military units, gangs, college fraternities, sport) that bind men emotionally to one another and contributes to their seeing sex relations from a position of power and status” (Volkwein-Caplan and Sankaran 2002, 11). Picking up on a similar idea, Cossins (2000, 115) asserts that “masculine sexual practices can be said to reinforce and maintain relations of power, not only between women and men, but also between men, since certain sexual practices and the social construction of desire are ways of attaining status among men.” Similarly, “men who rape or hit women are not isolated individuals, deviating from some normal form of masculinity. Rather, men’s violence against women [can be] understood as *overconformity* with a culturally honored definition of masculinity that reward[s] the successful use of violence to achieve

domination over others” (Messner, Greenberg, and Peretz 2015, 11). Within the competitive space of men’s sport, in which masculine status is largely precarious and fragile, the sexual conquest of women, with or without consent, can contribute to the stabilization of masculine status.

Interestingly, many of the athletes accused of sexual assault discussed in this chapter were at a stage in their athletic careers where they were new to their current playing level or about to move to a higher playing level. Athletes in these stages of transition can move from being the star or a significant member of their team at a lower level, where they might have achieved a dominant masculine status, to a new level where they might be younger and less accomplished than their new teammates. In these circumstances, an athlete’s dominant masculine status on a new team can be thrown into question. Many of the athletes in the cases described above were drafted to play at a higher level but had not yet made the team at the time of the reported sexual assault. Lance Galbraith had just been cut from a professional team and demoted to the junior hockey rank when the alleged sexual assault occurred. Other athletes were battling through injuries at the time that their reported sexual assaults took place. Injuries, demotions, and precarious positions on competitive teams create the conditions for precarious, fragile masculinities in competitive sport. Compounding these gendered dynamics, teams might find newer or injured players more expendable since they have not yet established their worth or have diminished value. This can result in teams being less likely to support the player publicly by excusing or minimizing the reported assault and/or to support the silencing of the sexual assault allegation privately through nondisclosure agreements.²⁰

This precarity of masculine status in elite men’s sport has dangerous implications. Some male athletes might engage in sexually violent behaviour to stabilize their masculine dominance. Drawing from interview data with thirty former elite-level male athletes, Messner (1992, 97) identified that the “use of women as objects of sexual conquest is important for gaining status in the male peer group.” Lori Heise (1997, 425) expanded on this by arguing that “it is partly men’s insecurity about their masculinity that promotes abusive behaviour towards women.” The precarity of masculine status in competitive men’s sport can thus fuel the normalization of sexual aggression toward and sexual assault of women and girls.

Sex as Competition, Women as Trophies

In elite men’s sport, sexual intercourse can become a competition between men in which women are often treated as trophies. One athlete interviewed

by Messner (1992, 101) described this as follows: “We were like wolves hunting down prey ... If a girl doesn’t give it up in 60 seconds, drop her!” In one of the many sexual assaults perpetrated by current and former male athletes described in a study of campus sexual assaults (Krakauer 2015), a young male athlete stole the pants and underwear of a young woman after he sexually assaulted her. He later explained to police that he stole these items because they were proof for his friends that he had engaged in sexual intercourse with the young woman. Echoing this idea, Canadian journalist Laura Robinson (1998, 118) describes a male athlete’s approach to sex as masculine identity confirmation and competition: “His actions have nothing to do with providing sexual pleasure and respect for a woman and everything to do with being seen as a man in his world.”

This understanding of masculinity and sex was made clear by an unnamed former junior hockey player who was quoted in a media article describing the pervasive and unhealthy attitudes of his peers toward women: “Everyone wanted to be the biggest badass on the team ... It was a hyper-masculine, hyper-competitive environment and that attitude was also true to the way we approached women ... We looked at women like they were *trophies*. They were ‘sluts’ and ‘puck bunnies’ not women. Looking back, I’m ashamed” (quoted in Curtis 2015, paras. 17–19; emphasis added). For some athletes, competition does not stop at the confines of the playing field. They continue to establish and reaffirm their dominant masculine status on the team with competitions off the field, often involving the sexual conquest of women.

Sex competitions in men’s sport can be literal in some cases. Some teams engage in formal competitions in which athletes are assigned points for accomplishing sexual acts with women. Laura Bates (2012, para. 9) describes the LAD Point System as one example of a competition in which athletes are awarded points for sexual acts with women, for example three points to “slip a finger in on the dance floor” or receive a “BJ [fellatio] in public,” or four points to “photobomb with your balls out,” with point deductions for preventing others from engaging in sexual acts, such as “minus two points for every time you cock block.” Likewise, Lisa Leff (2012) describes “Fantasy Slut Leagues” as another sex competition in sports. In such “leagues,” female students are drafted, largely unknown to them, by male athletes. The draft determines a ranking of the women. Points are then awarded to the male athletes “for documented engagement in sexual activities with female students” (para. 4). Other sex competitions among athletes are discussed in the analysis of group sexual assaults in [Chapter 3](#), in which the element of competition in sexual assault in sport becomes even clearer.

Whether sex competitions are formalized with specific rules or integrated into the norms and cultures of particular sports teams, sexual intercourse with women can be a way that male athletes develop, perform, and stabilize masculine dominance among their peers. In a context in which masculinity is highly unstable, sex is used to maintain and assert dominance and control, not only over women but also among male athletes. Women are thus used as objects within a competition of masculinities.

Within the hierarchical structures of competitive men's sport, and hierarchies of masculinities embedded within it, are deeply entrenched misogynistic and sexist attitudes. Women can become the objects of young men's sex competitions and strivings for masculine dominance within their cultural spaces. Nancy Theberge (1981, 342) contends that competitive men's sport is "a fundamentally sexist institution that is male dominated and masculine in orientation." Expanding on this, Mariah Burton Nelson (1994, 88) writes that "nowhere are masculinity and misogyny so entwined as on the rugby field. At the post-game parties that are an integral part of the rugby culture, drunken men sing songs that depict women as loathsome creatures with insatiable sexual appetites and dangerous sexual organs. Men sing of raping other men's girlfriends and mothers. Rape is also depicted as a joke." Underpinning rape culture in competitive men's sport in Canada are misogynistic notions of women as objects without agency who are fundamentally inferior to men.

Competitive men's sport has been described as a "hierarchical male-dominant gender regime" that celebrates sexism, misogyny, homophobia, and violence against women: "Violence and interpersonal domination are valorized. The interactional 'glue' that bonds men in such groups flows from the tradition of eroticized misogyny and homophobia that polices the boundaries of narrow (and often violent) conceptions of masculinity, while putting at risk women" (Messner, Greenberg, and Peretz 2015, 174). The hatred of women and all things coded as feminine in competitive men's sport fuels male athlete-perpetrated violence against women and girls.

In the context of men's junior hockey, many of the misogynistic values and norms that sustain high rates of sexual assault have been codified in what is termed the Junior Hockey Bible (Top Shelf Hockey 2020). This "bible," which in 2020 was publicly accessible online, explicitly describes methods that athletes can use to sexually violate and degrade women. It features misogynistic, homophobic, ableist, and other oppressive and hateful language, and it clearly reflects the normalization, promotion, and celebration of violence against women in Canadian junior men's hockey.

Women with larger bodies are degradingly referred to as “swamp donkeys” or “swampers” within instructions stating that “swampers must be avoided before the consumption of at least 13 beers, and after that precede [sic] with caution and only poke her if you can degrade her in some way in front of the boys, preferably on video camera” (1). Swamp donkeys are later differentiated from “sea donkeys,” or simply “donkeys,” defined as women who are highly intoxicated and conventionally unattractive. Instructions for encounters with so-called sea donkeys include the following:

These beasts of the sea are masters at boozing and once intoxicated, are looking to get some hockey cock. They enjoy being told they are fat when you are waxing their fat asses, so don't be afraid to do it. These Donkeys have been known to cost some of the boys an arm and a leg in Kangaroo Court the next day. Once again, only approach after 25 beers and all other options have failed, including the retarded girl with no legs. (Top Shelf Hockey 2020, 2)

“Kangaroo Court” refers to the “law of the dressing room,” where players compare their sexual conquests of women and applaud or criticize one another; accordingly, “credit can be given for pretty much anything that degrades the broad in any way. Extra points for anything filmed on camera” (Top Shelf Hockey 2020, 2). When women are not referred to as “donkeys,” “swampers,” “sluts,” “dirties,” “broads,” “puck sluts,” or “ho trains,” they are referenced as “victims.” For example, the document offers instructions on how to perform what is termed “the tea bag”:

Tends to work best on unsuspecting sluts, but take what you can get. First, simply remove your pants and Gitch [underwear] and carefully survey the scene. At this point, you want to insure [sic] your safety by carefully establishing a platform from which you will lower the goods. Once this is established, make sure a camera is in place to catch you dropping your doggy nuts onto the *victim's* forehead. If possible, deposit nuts in a slut's mouth, but if not, the forehead will suffice. (Top Shelf Hockey 2020, 5; emphasis added)

By clearly inciting violence against women, the writing and dissemination of this “bible” could be considered a hate crime under Canadian criminal law. Although it is not known how widely the Junior Hockey Bible has been and continues to be read within junior hockey in Canada, its very existence

reflects and promotes a dangerous celebration of sexual violence and socializes athletes to disregard and devalue sexual consent. More broadly, the Junior Hockey Bible is suggestive of serious unaddressed problems of misogyny in men's junior hockey. A recent poll of more than 400 former junior hockey players, coaches, managers, and referees found that the majority perceived the treatment of women and girls by young male hockey players as misogynistic (Hernandez 2021). Similarly, an independent panel hired by the Canadian Hockey League to assess the effectiveness of its well-being programs recently found that there was a "systemic 'culture of embedded behaviours,' where off-ice misconduct is perpetuated, condoned or ill-addressed" (Turnpenney 2022, 8). In this context where sexual assault is so explicitly celebrated, the high rates of reported sexual assault in competitive men's sport, and in junior men's hockey specifically, are not surprising.

Confused Conceptions of Consent and Bodily Autonomy

The Junior Hockey Bible is not the only mechanism through which some athletes learn to devalue the consent and bodily autonomy of others. In the total institution of men's competitive sport, athletes are trained, often in implicit ways, to understand consent as largely irrelevant (Fogel 2013). If a coach tells a competitive athlete to tackle an opposing player with as much force as possible, then the athlete is expected to do so. Refusing to do so can result in the athlete sitting on the bench for the game or being cut from the team. Likewise, a competitive hockey player cannot say to a player on the opposing team that he does not consent to be body-checked in a game. When athletes enter competitions, they are expected to move and use their bodies according to their coaches' orders, regardless of whether their sense of bodily autonomy is violated in the process. Athletes inflict bodily pain and injury on each other whether or not they consent to such violence. During play, it is commonly assumed by leagues and legal officials, without foundation, that athletes consent to the violence that they inflict on others and have inflicted on them (Fogel 2013). This understanding of consent in competitive sport is particularly problematic in a context in which sexual activity becomes a competition.

Nearly all of the male athletes reported for the sexual assaults discussed in this chapter compete in sports that involve physical, aggressive, and often violent contact with athletes on opposing teams, including football, hockey, boxing, soccer, and basketball. Although never an excuse for sexual violence, athletes in high-contact sports can easily lose sight of the value of consent and the importance of bodily autonomy. As Messner (1992, 151) writes, "the fact that winning was premised on physical power, strength, discipline, and

willingness to take, ignore, or deaden pain inclined men to experience their own bodies as machines, as instruments of power and domination – and to see other people’s bodies as objects of their power and domination.” He further suggests that, through participation in competitive contact sports, male athletes can become estranged from their bodies, which become disconnected from their selves. Messner (1992, 121) argues that male athletes commonly develop “an instrumental relationship toward one’s body as a ‘tool’ or even a ‘weapon’ to be developed and utilized in athletic competition. The ironic result is that athletes often become alienated from their bodies.” High-contact sports train athletes to understand their bodies as tools or weapons that can inflict harm and be harmed regardless of consent. This training can have serious repercussions off the field of play. These misconceptions of consent and understandings of bodies as tools or weapons become particularly dangerous in a highly competitive environment in which sex with women becomes part of the competition to climb the masculine hierarchy.

Furthermore, elite male athletes’ lived experiences of spending much of their time with teammates, showering communally and sharing hotel room beds on road trips, can confuse conceptions of consent and bodily autonomy. According to a twenty-one-year-old hockey player interviewed by Samantha Samson (2015, paras. 15–16),

these guys are naked in front of you all the time. The intimacy of sexuality is just gone. You’re really comfortable with your sexuality and your behavior, so no one cares. Some guys think it is the same with women. If you see a guy walk up and smack a girl’s ass, it’s because that’s what he does with his buddies and no one cares.

Many competitive male athletes are not socialized to understand their actions as violent, and in fact they are trained to see nonconsensual physical contact as a necessary act for recognition and dominance within the context of their sport. Although this in no way justifies the violence that some male athletes perpetrate against women, it does provide a crucial context for understanding it.

Institutional Tolerance of Sexual Assault in Competitive Men’s Sport

As the analyzed cases illustrate, sexual assault perpetrated by male competitive athletes is often met with tolerance both within and outside sport contexts. Within male-dominated total institutions, sexual assaults, and the

attitudes, values, and beliefs that support gender-based violence, are tolerated. In his study of societal responses to various potentially deviant behaviours, Robert Stebbins (1996, xi) introduced the concept of “tolerable deviance.” For Stebbins, deviance is defined in relation to the moral norms of the community, a conception similar to the one proposed by Émile Durkheim (1968) and also by Kai Erikson (1966). For Durkheim (1968, 80), when the “collective conscience” is morally offended, a community unites, a crime is socially defined, and the society seeks retribution through the punishment of the offender. Through this process, moral boundaries are defined, clarified, and redefined within the community (Erikson 1966). Building upon this notion, Stebbins (1996) explains that tolerable deviance occurs when individuals engage in disdainful and potentially criminal activity but the surrounding community does not deem it offensive or serious enough to appear morally offended. In the context of competitive men’s sport, it can be argued that sexual assaults are routinely tolerated by coaches, university administrators, the sports community, and legal officials. Although the act of sexual assault is deemed criminal in law, it is often tolerated, especially when it is perpetrated by white male athletes.

For example, after Mark Yetman was charged with three brutally violent sexual assaults, he was permitted to continue playing hockey, and he helped his team to win a league championship. Over forty community members wrote letters to the sentencing judge encouraging a noncustodial sentence and stating that they knew Yetman to be of great character. Matthew Alan Meyer was recruited to play for the University of Saskatchewan while he awaited trial for sexually assaulting a woman. When CFL player Bernard Williams was arrested for sexual assault, the team president wrote the cheque securing his bail so that he could rejoin his team. Most white-presenting male athletes accused of sexual assault faced little or no repercussions from their teams or leagues, and most of those who did were able to move on to other teams and leagues and continue their playing careers.

The Canadian criminal legal system has also shown significant tolerance of sexual assaults against women. As Melissa Breger (2018) notes, laws and legal systems often reflect the patriarchal cultures within which they are embedded, and this has led to the ongoing legal tolerance of violence against women. Rates of conviction for sexual assault in Canada are lower than for any other form of assault (Rotenberg 2017). These discrepancies have been the subject of decades of critical scholarship on criminal legal responses to sexual assault. Feminist scholars have long argued that deeply held rape myths – such as the myths that “real rapes” are committed by

strangers, against sexually chaste women, and involve significant physical injuries – have shaped how police, prosecutors, defence lawyers, and judges respond to reports of sexual assault (Clark and Lewis 1977; E. Craig 2018; Estrich 1986; Gavey 2005; H. Johnson 2012). As Elaine Craig (2018, 1) writes, “imagine a society – one that purports to be a rule of law society – in which one segment of the population [men] regularly engages in harmful acts of sexual violation against another segment of the community [women] with almost complete legal immunity. Canada is such a society.” This tolerance of sexual assault appears as likely, if not heightened, when male athletes are on trial, particularly if they are white. For example, in the case of Chance Macdonald, the judge was transparent in his reluctance to give Macdonald a significant prison sentence because of the effect that it could have on his career prospects. The judge, a former hockey player himself, allowed Macdonald to delay serving his sentence until after he completed an internship. Likewise, in the case of *R v DVV*, a high school basketball player who sexually assaulted a seven-year-old sleeping child was given an absolute discharge with no criminal record because the judge believed that he had good character.

The concern that these judges expressed for the athletes’ prospects and the confidence that they asserted in the athletes’ character are interesting when put alongside their relative disregard for the victims’ prospects and well-being. Kate Manne (2020, 5) uses the term *himpathy* to describe “the way powerful and privileged boys and men who commit acts of sexual violence or engage in other misogynistic behavior often receive sympathy and concern over their female victims.” Although many of the young men discussed in this chapter arguably occupy subordinate positions in the hierarchy of competitive men’s sport, with continuous public valuation of their worth and minimal opportunities to consent to physical harm, they simultaneously occupy a celebrated, privileged social position. Many of these athletes, particularly white male athletes, carry societal privilege that encourages both the criminal legal system and sport organizations to ignore, excuse, and minimize the violence that they are accused of inflicting on girls and women.

As decades of research have shown, the criminal legal system rarely delivers the justice that it promises to sexual assault victims (H. Johnson and Dawson 2011; Martin 2005; Parnis and Du Mont 1999; A. Quinlan 2017). The cases in this chapter suggest that this is particularly true in sexual assault cases involving competitive male athletes, especially those with racial and class privilege, who are commonly celebrated as “sport heroes”

in their communities. Decades of legal reforms have not altered these trends (H. Johnson 2012; Osborne 1984; Page 2010; Sheehy 1999). History suggests that the solution to the tolerance of sexual assaults by male athletes is not further legal reforms or tougher criminal laws and punishments, all of which have proven to be largely ineffective in addressing gender-based violence (Goodmark 2018; Whynacht 2021). Indeed, even in the few cases discussed in this chapter in which athletes were in fact convicted and incarcerated for sexual assaults, for many of them, reports of their violence continued after they were released. Conviction and incarceration of a few individuals clearly do little to disrupt patterns of sexual aggression and violence, not only for those individuals but also within competitive men's sport more broadly.

Relying on the criminal legal system – which both reflects and promotes the racism, sexism, and other forms of inequality and discrimination found in Canadian society – to solve the problem of sexual violence is untenable. Sexual assault in sport is a multifaceted problem fuelled by many unique and complex social dynamics and institutional factors that demands a multifaceted solution that extends beyond both sport organizations and the criminal justice system, a subject that we take up in the concluding chapter of this book.

Tolerance of sexual assaults perpetrated by male athletes in competitive men's sport is a central component of rape culture in sport. In a context in which sexual assault can be used as a tool for accomplishing masculinity and gaining masculine status, sexual assault in competitive men's sport seemingly can become normalized. Compounding this problem, young men in competitive sport accused of sexual assaults are often encircled by what Kimmel (2018, 6) refers to as “a culture of silence and a culture of support.” As we have shown in this chapter, accusations of sexual assault are often silenced or minimized by coaches, teams, leagues, and in many cases the Canadian criminal legal system.

Not all competitive male athletes in Canada are perpetrators of sexual assaults. However, various factors in competitive sport coalesce to create a high-risk environment for the perpetration and tolerance of sexual assault. This environment is characterized by intersections of developing, violent masculinities with a highly competitive and structurally misogynistic hierarchy that places value on sexually aggressive definitions of manhood and the tolerance and promotion of violence, including sexual violence.

Sexual assault in sport is supported and promoted by a rape culture that is intricately woven into the fabric of sport institutions. This rape culture is reflected in and maintained by not only sexual assaults by individual male athletes but also, as we explore in the following chapters, other forms of sexual assault in sport.

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