

POLICY AND PROCEDURES FOR RISK, SAFETY AND CONDUCT MANAGEMENT HOCKEY EASTERN ONTARIO

1. PREAMBLE

As the governing body for amateur hockey in Eastern Ontario, Hockey Eastern Ontario (HEO, the Branch) is obligated to provide a safe environment in which all staff, instructors, members, participants (players), Officials, volunteers and observers feel safe and are treated with respect.

2. effective date

Rev. 0 November 2003

Rev. 1 August 2004

Rev. 2 June 2010

Rev. 3 January 2015

Rev. 4 January 2016

3. POLICY AND PROCEDURES OBJECTIVES

The objective of this document is to foster a safe and respectful hockey environment through the prevention and prompt resolution of inappropriate conduct that is not covered explicitly by the Rules of Hockey.

4. POLICY STATEMENT

HEO is committed to providing a sport and work environment that is both safe and respectful. HEO supports the rights of all its staff, instructors, members, participants, Officials, volunteers and observers to take part and work in an environment that is safe, respectful, prohibits discriminatory practices and promotes equal opportunities. HEO will make every reasonable effort to promote awareness of the problem of misconduct, bullying, abuse and harassment among all those involved in the sport in the Branch and respond efficiently to complaints or disclosures of inappropriate conduct. HEO is committed to the highest possible standards of care for its participants. Inappropriate conduct in hockey, including bullying, abuse and harassment, is unacceptable and will not be tolerated. All persons participating in hockey, whether or not they are registered members within the Branch, should enjoy an experience that is free from inappropriate conduct by others.

5. application

This policy applies to all persons, volunteers and participants within the Branch including HEO, HEO Minor, HEO Junior Leagues (CCHL, CCHL2, NCJHL), any other teams or Leagues registered with HEO, and both the HEO and HEO Minor Referee's Associations.

Such persons shall include, but are not limited to:

- all HEO Board members, both elected and appointed;
- all HEO Minor Executive members, both elected and appointed;
- all HEO staff employees, instructors, mentors, and consultants;

- team members, including players, coaches, assistant coaches, trainers, managers and any other team officials;
- League, Association and District Councils, including executives, directors, conveners, administrators, mentors and employees/staff, whether paid or unpaid;
- Branch, Minor, Junior, Senior and Referee Officials, supervisors (mentors) and executives;
- clubs, teams, Associations and Hockey Academies that have been granted associate or full membership;
- off-ice game Officials;
- game observers/spectators; and
- any other volunteers, such as for tournaments, fund-raising, ad hoc committees, etc.

It also applies to any individual who does not participate in an official capacity but who is considered to have a vested interest in amateur hockey, and/or a strong influence on any of its members, for example, parents/guardians, family members.

The policy also applies to all other participants in hockey or attendees at hockey events, not covered by the above.

This policy is intended to address risk management, unacceptable conduct and behaviour that may occur during the course of Branch business, activities and events, including, but not limited to the administration of the game competitions, team practices, training camps, exhibitions, meetings and any travel associated with these activities.

This policy also applies to incidents that, although having not occurred during Branch business, may have an impact on one of our members or participants. For example, a person who is charged for an offence that took place outside of HEO business may be suspended on an interim basis from all Branch related business/activity pending the outcome of these charges.

Although this policy is not intended to replace any specific Association's, District's and/or League's existing Code of Conduct, it provides guidance in defining and resolving inappropriate conduct and will be the deciding resource when dealing with any incident reported to and subsequently dealt with at the Branch, including any investigation, hearing and/or appeal.

Notwithstanding anything contained herein, the Branch shall reserve the right, at all times, to have any matter pertaining to bullying, harassment or abuse transferred to it for resolution.

6. HEO Core Principles

- 6.1 **Standard of Behaviour** - This policy, in conjunction with Hockey Canada's guidelines on bullying, harassment and abuse policies, shall be used in governing matters of bullying, abuse and harassment within this Branch, including any member's behaviour deemed to be detrimental to the proper conduct of hockey. Within the scope of good risk management, every person will take action to prevent any type of harassment or abuse within the confines of this organization. During the course of all activities and events, members shall avoid behaviour, which brings this Branch or the sport of hockey into disrepute, including but not limited to the abusive use of alcohol and/or non-medicinal use of drugs.

Child/youth maltreatment is “any act of omission or commission – emotional, physical and sexual” – by individuals which prevents the needs of children/youth from being met and interferes with their optimal development, thereby preventing them from becoming productive humans with respect for themselves and others. In Ontario a child is defined as someone under the age of sixteen (16) years old.

This Branch takes the view that sexual relationships between coaches and players, whether or not against the law, can have harmful effects on the individual player involved, on the other players and coaches, and on our public image. If a sexual relationship develops between a coach and a player, the authorized official at the appropriate level of hockey, i.e., HEO Minor, Junior or Officiating will investigate and take action that may include reassignment, request for resignation or dismissal from employment.

- 6.2 **Values** - The Branch is committed to providing a comfortable, sports and working environment based on the fundamental values of safety, equality, trust and mutual respect that will ultimately lead to the positive social and physical development of all our participants.
- 6.3 **Conduct** – The Branch is committed to ensuring and emphasizing respectful behaviour and conduct, towards one-another, both on and off the ice, which emulates these values. It will work to completely eliminate any disrespectful conduct and discriminatory practices including abuse, bullying and harassment from all elements of our game.
- 6.4 **Awareness, Education and Procedures** – The Branch will promote awareness and understanding of unacceptable conduct. It will engage educational mechanisms to include training and clinics for its members on matters of conduct and behaviour particularly relating to Hockey Canada’s “Respect in Sport” Program. It will put in place procedures for receiving complaints and acting upon incidents of unacceptable conduct.

7. DEFINITIONS (ALSO SEE APPENDIX ‘A’)

- 7.1 **Bullying** involves a person expressing their power through the humiliation of another person. Bullying occurs between people at any age and is not addressed by the law or under human rights legislation except when the behavior becomes a criminal act issue.
- 7.2 **Harassment** is defined as conduct/behaviour, by one person towards another, which is insulting, intimidating, humiliating, malicious, degrading or offensive. It creates negative and uncomfortable feelings for the person, or group of persons, to whom it is directed. Any of the different forms of harassment may be based on grounds prohibited by human rights legislation, such as race, ethnicity, sex, sexual orientation or religion. It may be between peers (e.g. player to player of the same age group, parent to official, coach to coach), or between someone in a position of power or authority and an individual in a subordinate position (e.g., Coach to player, sports administrator to employee). Harassment covers a wide spectrum of behaviours; subsequently the response must be an appropriate and fair one, allowing adequate opportunity for all involved parties to collect all relevant information.
- 7.3 **Abuse** is any form of physical, emotional and/or sexual mistreatment or lack of care, which causes physical injury or emotional damage to a child or youth. Child/youth maltreatment is “any act of

omission or commission – emotional, physical, neglectful or sexual” – by individuals which prevents the needs of children/youth from being met and interferes with their optimal development, thereby preventing them from becoming productive humans with respect for themselves and others.

A common characteristic of all forms of abuse against children and youth is an abuse of power or authority and/or a breach of trust.

- 7.4 **Emotional abuse** is a chronic attack on a child’s self-esteem; it is psychologically destructive behaviour by a person in a position of power, authority or trust. It can take the form of name-calling, threatening, ridiculing, berating, intimidating, isolating, hazing or ignoring a child’s needs.
- 7.5 **Neglect** is the inability or unwillingness of those responsible for the care of a child to meet the physical, medical and/or developmental needs of the child, including inattention to the basic necessities of life such as clothing, shelter, nutritious diet, education, good hygiene, supervision, medical and dental care, adequate rest, safe environment, moral guidance and discipline, exercise and fresh air. This may occur in hockey when injuries are not adequately treated or players are made to play with injuries, equipment is inadequate or unsafe, no one intervenes when team members are persistently harassing another player, or road trips are not properly supervised. Not always intentional, neglect may be a result of insufficient resources or other circumstances beyond a person’s control.
- 7.6 **Physical abuse** occurs when a person in a position of power or trust purposefully uses, or threatens to use physical force or action that results in or could result in an injury, impairment, intense or prolonged pain to a child or a child’s death. This may take the form of slapping, hitting, shaking, kicking, pulling hair or ears, throwing, and shoving, and grabbing, assaulting, burning, poisoning, hazing or using excessive exercise as a form of punishment.
- 7.7 **Sexual abuse** occurs when a young person is used by an older child, adolescent or adult, for his/her own sexual stimulation or gratification and need not involve physical contact.
- 7.8 **Risk Management** is the identification, assessment, and control and elimination of legal liabilities, losses due to accidents, damage to property and harm to persons.

8. **Policy requirements**

All hockey officials within the Branch are responsible for fostering a hockey environment where participants are not subject to inappropriate conduct.

All organizations within the Branch must be informed of this policy and must meet the requirements of this policy.

The complaint process, including investigation when necessary, should be completed without undue delay.

9. **Responsibility and authority**

The ultimate responsibility and authority for applying this policy rests with the Vice President,

HEO and with designated Risk and Safety Officials of Leagues, Districts and Associations within the Branch.

10. expectations

The Branch considers any form of abuse, harassment or bullying to be unacceptable and is committed to preventing it and to prompt follow-up and resolution should it occur.

All Branch members and participants at hockey events are expected to take all reasonable steps to safeguard the welfare of hockey participants and protect them from any form of maltreatment and to take action to prevent any type of inappropriate behaviour, including bullying, harassment or abuse.

Members shall conduct themselves in a fair and responsible manner and refrain from comments or behaviours that are disrespectful, offensive, abusive, racist or sexist and shall avoid behaviour that brings the Branch or the sport of hockey into disrepute.

Any member whose conduct establishes: violent or harassing behaviour against children, youth or adults; violations of positions of trust; abuse of a physical, sexual or emotional nature; or other violations deemed to be contrary to the values of HEO, may be suspended, dismissed and/or not accepted as a volunteer or executive member. This may include any parent, guardian, adult or spectator, whose conduct, during any sanctioned event/activity, is legitimately deemed to be disruptive, unsafe or non-conducive to the well being of the game of hockey.

11. DUTY TO REPORT

Bullying, abuse and neglect are community problems requiring urgent attention. HEO is committed to help reduce and prevent the bullying, abuse and neglect of participants. HEO and Hockey Canada realizes that persons working closely with children and youth have a special awareness of abusive situations. Therefore, these people have a particular reporting responsibility to ensure the safety of Canada's young, by knowing their provincial protection acts and following through as required. Ontario has mandatory reporting laws regarding the abuse and neglect of children and youth. Consequently, it is the policy of HEO that any person as identified in Section 5 Application, who, has reasonable grounds to suspect that a participant is or may be suffering or may have suffered from emotional, physical abuse and neglect and/or sexual abuse shall immediately report the suspicion and the information on which it is based to the Branch, local child protection agency and/or the local police detachment. Those involved with HEO and Hockey Canada in providing hockey opportunities for participants understand and agree that abuse or neglect, as defined above, may be the subject of a criminal investigation and/or disciplinary procedures. Failure to report an offence and thereby, failure to provide safety for participants may render the adult who keeps silent legally liable for conviction under the provincial child protection acts.

12. PROCESS AND PROCEDURES

12.1 CONFIDENTIALITY AAND NEUTRALITY - THE BRANCH RECOGNIZES THE SENSITIVE AND SERIOUS NATURE OF ABUSE AND HARASSMENT, IN PARTICULAR OF COMING FORWARD WITH A COMPLAINT OR OF BEING ACCUSED, AND WILL STRIVE TO KEEP ALL MATTERS RELATED TO A

COMPLAINT CONFIDENTIAL. HOWEVER, IF REQUIRED BY LAW TO DISCLOSE INFORMATION, THE BRANCH WILL DO SO. THIS SHALL NOT PRECLUDE PUBLICATION OF THE FINAL OUTCOME OF ANY MATTER, WHERE A SANCTION IMPOSED UNDER THIS POLICY INCLUDES PUBLICATION.

It is critical that individuals receiving complaints act with complete neutrality. Just as the complainant has a right to make a complaint, the accused has a right to know that a complaint has been made, and to respond. There are two sides to every story and the first task in sorting out the merits of a complaint is to gather the facts.

- 12.2 **REPORTING OF COMPLAINT/DISCLOSURE** - ANY PERSON HAVING REASONABLE GROUNDS, THROUGH THE COURSE OF BRANCH BUSINESS, ACTIVITIES OR EVENTS, TO BELIEVE THAT A CHILD/YOUTH/PARTICIPANT IS BEING ABUSED OR NEGLECTED OR WHO HAS REASON TO BELIEVE A MAJOR INCIDENT HAS OCCURRED, SUCH AS INAPPROPRIATE TOUCHING, FONDLING, KISSING, HIRING OF ESCORT SERVICES, SOLICITATIONS OF A PHYSICAL NATURE, PHYSICAL MISTREATMENT, SEXUAL MISTREATMENT, INADEQUATE MORAL GUIDANCE OR EMOTIONAL MISTREATMENT, OR REPEATED TAUNTING, MUST DOCUMENT AND REPORT THIS BELIEF/INCIDENT TO THEIR LOCAL CHILD PROTECTION AGENCY AND/OR THE POLICE AS WELL AS THEIR LEVEL OF HOCKEY, I.E., HEO MINOR, JUNIOR OR OFFICIATING, WHO IN TURN WILL CONTACT THE HEO EXECUTIVE DIRECTOR AFTER NOTIFYING THE AUTHORIZED OFFICIAL AT THE APPROPRIATE LEVEL OF HOCKEY CONCERNED, I.E., MINOR, JUNIOR, SENIOR OR OFFICIATING, SHALL TAKE NO FURTHER ACTION UNTIL SUCH TIME AS THE CHILD PROTECTION AGENCY AND/OR POLICE HAVE CONCLUDED THEIR INVESTIGATION, UNLESS THERE IS CAUSE FOR AN IMMEDIATE SUSPENSION ON AN INTERIM BASIS TO PROTECT THE CHILD OR PARTIES FROM FURTHER HARM, OR IF INSTRUCTED TO DO SO BY THE EXTERNAL AUTHORITIES COMPLETING THE INVESTIGATION. AT THE COMPLETION OF THE EXTERNAL INVESTIGATION, THE MATTER WILL THEN BE DEALT WITH AS A DISCIPLINARY MATTER PURSUANT TO THIS POLICY AND IN CONJUNCTION WITH THE APPROPRIATE LEVEL OF HOCKEY CONCERNED, I.E., MINOR, JUNIOR, SENIOR OR OFFICIATING, AND THE REPORT OF THE EXTERNAL AUTHORITIES MAY BE UTILIZED

ANY PERSON WHO EXPERIENCES, WITNESSES OR HAS REASON TO BELIEVE THAT HARASSMENT HAS OCCURRED IS ENCOURAGED TO MAKE IT KNOWN THAT THE BEHAVIOUR IS UNWELCOME, OFFENSIVE AND CONTRARY TO THE VALUES OF THIS POLICY. ALTHOUGH THE COMPLAINANT MAY DISCLOSE/REPORT TO ANY OFFICIAL OF THEIR LEVEL OF HOCKEY, I.E., HEO MINOR, JUNIOR OR OFFICIATING, IT IS RECOMMENDED FOR SUSPECTED MINOR CASES OF HARASSMENT, I.E., INAPPROPRIATE JOKES OR UNWELCOME REMARKS, THAT THE INITIAL LEVEL OF INTERVENTION BE AT THE COMPLAINANT'S LOCAL TEAM, ASSOCIATION AND/OR LEAGUE FOR AN INFORMAL RESOLUTION, I.E., MEDIATION.

If confronting the harasser is not possible, or if after confronting the harasser the harassment continues, or if the informal resolution was not successful, the matter should then be reported to an official of the complainant's level of hockey, i.e., Minor (team, association, league, district) Junior (team, league) or officiating (association, district), for resolution.

Where a third party person believes there is sufficient evidence to warrant laying a formal complaint, but the victim is apprehensive, unsure or unable to independently bring forth his/her complaint, the third party person, on behalf of the victim, may bring forth the complaint, verbally or in writing. For example, a young player/victim who discloses to his/her coach may fear reprisals from the offender, and thus will require support through the disclosure and reporting process.

Anonymous complaints may be received and mean that there is a possibility that something is wrong and therefore, a discreet investigation is needed. Although anonymous complaints may be initially received, it is imperative that supporting, written documentation be obtained in order to determine the next step(s).

Should the Branch initially receive either a verbal complaint or a formal written complaint involving a member or members of a local Minor/junior hockey association or any other member, the Branch, in consultation with the authorized official from the appropriate level of hockey, i.e., HEO Minor, Junior or Officiating along with external professionals, shall determine the nature of the complaint. If the complaint is deemed Minor in nature, it will be referred to the complainant's level of hockey i.e., HEO Minor or Junior to be addressed in accordance with their procedures.

In the event that the alleged offense is so serious so as to possibly jeopardize the safety of the complainant or others, the alleged offender may be removed from all Branch related duties/activities by officials of their level of hockey, i.e., HEO MINOR, Junior or Officiating, pending an investigation and any subsequent hearing, provided there is:

- sufficient grounds to do so based on the original complainant's statement, and any supporting documentation/evidence;
- they have informed, both verbally and in writing, the accused of his/her right to be present and heard during a formal hearing; and
- consultation with the complainant's level of hockey, i.e., Minor, Junior or officiating.

For the purposes of this policy, retaliation against any person for:

- having filed a complaint under this policy; or
- having participated in any procedure under this policy; or
- ~having been associated with a person who filed a complaint or who participated in any procedure under this policy, will be treated as harassment, and will not be tolerated by this Branch.

12.3 **INVESTIGATION AAND INTERVENTION PROCESS** - A COMPLAINT/DISCLOSURE CAN INVOLVE A VARIETY OF BEHAVIOURS DIRECTED BY ONE OR MORE INDIVIDUALS TOWARDS ANOTHER PERSON OR GROUP, SUCH AS ADULT TO YOUTH, ADULT TO ADULT, YOUTH TO ADULT OR YOUTH TO YOUTH. SHOULD A MEMBER BRING FORTH A COMPLAINT/DISCLOSURE DESCRIBING AN ISSUE OF ABUSE OR SERIOUS HARASSMENT, USE THE FOLLOWING OUTLINE AS A GUIDE; HOWEVER, REGARDLESS OF THE SCENARIO OR INDIVIDUALS INVOLVED, IF THE COMPLAINT/DISCLOSURE IS OF AN ABUSIVE OR CRIMINAL NATURE, DOCUMENT AND REPORT IT IMMEDIATELY TO YOUR LOCAL CHILD PROTECTION AGENCY AND/OR THE LOCAL POLICE DETACHMENT, ASK FOR INSTRUCTIONS, AND CONTACT THOSE RESPONSIBLE FOR ABUSE AND HARASSMENT MATTERS IN YOUR LEVEL OF HOCKEY, I.E., HEO MINOR OR JUNIOR LEAGUES WHO IN TURN WILL NOTIFY THE BRANCH OFFICE.

The following is the recommended course of action for each Council, Junior Hockey League and Team, HEO Minor, Minor District, Minor Hockey Association and Team as well as any Game Official to follow should any incidents covered under the descriptions of harassment including bullying,

occur within the confines of their authority. This does not however, preclude anyone from contacting HEO Executive Director at any time for support and guidance.

Note: Where no equivalent Risk and Conduct Management Policy and Procedure exists within the HEO Hockey Associations and Leagues, this Policy shall be the minimum acceptable standard.

Once an incident is reported, the role of the official is to serve in a neutral, unbiased capacity in receiving the report of the incident, advising the parents/guardians of the incident (if the person who has experienced the harassment is a Minor), and, where appropriate, assisting through mediation towards an informal resolution of the complaint.

Any minor complaints of harassment, such as inappropriate jokes, should be handled in a timely fashion and should be primarily dealt with informally at the Team, Association or League level, taking a constructive approach with the aim of bringing about a change of negative attitudes and/or behaviour. For these types of complaints, a person in authority, such as a team/league official, game official or association/district executive member may take immediate, informal, corrective and appropriate disciplinary action in response to behaviour that, in his/her view, constitutes a minor instance of harassment.

Harassment complaints arising during competitions may be dealt with immediately, if necessary, by a person in a position of authority, such as a team or game official, provided the individual being disciplined is told of the nature of the infraction and has an opportunity to provide information concerning the incident. In such situations, sanctions shall be for the duration of the competition only. Further sanctions may be applied but only after review of the matter in accordance with this policy.

These steps are for “the purpose of guidance”, and are to be used only in cases of suspected harassment. Should any aforementioned level of hockey receive a complaint of, or suspect an incidence of abuse, or require any additional information/support, they are to contact their local Child Protection Agency and/or Police as well as their level of hockey i.e., HEO Minor, Junior or Officiating and follow their instructions. The HEO Minor or Junior may contact HEO for support at any time.

Once a minor incident is reported, or when a major incident is referred back from external authorities, the complainant’s level of hockey, i.e., HEO Minor, Junior or Officiating, shall determine whether the incident can be resolved informally, or warrants a more in-depth investigation. There are three possible outcomes to a meeting between complainant and authorized official:

It may be determined that the conduct does not constitute harassment as defined in this policy, in which case the matter is closed or can be referred to the proper authority, i.e., discipline and appeals;

The complainant may decide to pursue an informal resolution of the complaint, in which case a mediator as agreed to by both the complainant and respondent will assist the two parties to negotiate/mediate an acceptable resolution of the complaint; or

The complainant, in consultation with the authorized official, may decide to lay a formal complaint. This may be the initial option chosen, or may be the result of an unsuccessful mediation. In either scenario, all statements should be taken in writing and should be signed by the author and/or representing party. At this time, the complainant's level of hockey, i.e., HEO MINOR, Junior, Senior or Officiating, may request guidance from HEO.

If the complaint is deemed major in nature, but does not warrant intervention from external authorities, the complainant's level of hockey i.e., HEO Minor, Junior or Officiating shall appoint an individual(s) to conduct an investigation of the complaint or refer the complaint to the complainant's local level of hockey, i.e., Minor association, Junior league or officiating representative, and notify the appointed HEO MINOR, Junior or Official's Risk and Safety Representative of the referred matter. For serious matters, the investigator(s) should be experienced in harassment matters and investigation techniques, and may be an external professional.

The investigator(s) shall carry out the investigation in a timely manner and at the conclusion of the investigation shall submit a written confidential report to the complainant's level of hockey i.e., HEO MINOR, Junior or Officiating. Upon receipt of the investigator's written report, it shall be determined whether:

No further action be taken because the complaint is unfounded, unproven or the conduct cannot reasonably be said to fall within this Branch's definition of harassment; or

The complaint cannot reasonably be said to fall within the Branch's definition of harassment, however is considered to be inappropriate behaviour, and will then be referred to the appropriate disciplinary committee; or

The complaint has merit and shall proceed to a hearing.

13. DISCIPLINE AND APPEAL Hearing for Abuse & Harassment

If it is determined that the HEO Minor, Junior or Officiating bodies opt to refer the matter directly to HEO, a hearing is required and a Panel will be formed to hear and make a determination on the matter. The Vice President of HEO shall chair the proceeding, along with appointed individuals as per the HEO Appeals structure. All appointed Panel individuals must be well versed in aspects of harassment and abuse, the process as endorsed by HEO Board of Directors, and declare no conflicts of interest.

Once appointed, the Panel has the authority to abridge or extend timelines associated with all aspects of the hearing and shall then decide which of the following procedures shall be used to review the complaint:

The Panel shall review all written statements from the complainant, the respondent, along with all documentation obtained through the investigation and any other supporting material and may render a decision at that time or alternatively;

The Panel shall convene a hearing involving the complainant, respondent and witnesses. The

parties shall have the opportunity to present evidence and cross-examine one another and witnesses via the panel. At the conclusion of the hearing, the Panel may render its decision or reserve for that purpose.

THE PANEL SHALL GOVERN THE HEARING BY SUCH PROCEDURES AS IT DECIDES PROVIDED:

- A panel shall consist of a minimum of 3 appointed persons and as many as 5;
- a quorum is made up of the chairperson and any three appointed individuals;
- decisions be made by a majority vote where the chairperson, in the case of a tie, carries a vote;
- that Panel members sign an acknowledgement of confidentiality;
- the complainant and respondent be given written notice of the day, time and place of the hearing;
- that, upon receipt of a written request, the respondent receive a copy of the complaint and investigator's report;
- both the complainant and respondent be present at the hearing to respond to the investigator's report, give evidence and provide answers to the panel, however the hearing may proceed should either or both complainant and respondent not be present or refuse to attend;
- at the request of the panel, the investigator and/or witnesses to the incident shall attend the hearing in person, or provide written and signed evidence which pertains directly to the matter at hand;
- the hearing be held in private.

While this is not a legal proceeding, the complainant and/or respondent may have legal counsel attend provided they notify the chairperson no later than five days prior to the scheduled hearing. Legal counsel may provide guidance to their respective party only, and are not permitted to question witnesses, members of the panel or other respective parties. At the conclusion of the hearing, legal counsel may submit written submissions to the panel for its further consideration.

14. Disposition, Discipline and Consequences

After reviewing the matter and all relevant information, the Panel shall render its decision and present its findings in a written confidential report. In all cases the HEO Vice President and the HEO President shall receive notification and a copy of the panel report. The report shall be copied to the HEO Minor President or designate and the HEO Minor Director of Risk and Safety, where the decision concerns a Minor matter or the HEO Director Junior and the HEO Junior League President where the matter is of a Junior nature, and to any other authorized officials at the appropriate level of hockey, a copy be provided to both the Complainant and the Respondent, as well as to the Respondent's Association/League should consequences/sanctions be warranted. This report shall contain:

- A summary of the complaint and relevant facts;
- A determination as to whether the acts complained of constitute harassment or abuse as defined in this policy;
- Disciplinary action against the respondent, if the acts constitute harassment or abuse as defined in this policy; and

- Measures to remedy or mitigate the harm or loss suffered by the complainant, if the acts constitute abuse or harassment.

When recommending disciplinary action, the panel should consider:

- evidence presented at the hearing
- the nature of the harassment
- whether the harassment involved any physical contact
- whether the harassment was an isolated incident or part of an ongoing pattern
- the nature of the relationship between the complainant and the respondent
- the respondent's past history
- whether the respondent retaliated against the complainant

When an incidence of abuse or harassment has been identified, the Panel may consider the following consequences/sanctions singly or in combination, depending on the nature and severity of the harassment or abuse:

- verbal apology
- written apology
- letter of reprimand
- removal of certain privileges of membership, including certification(s)
- to complete or re-certify in abuse and harassment prevention training, i.e., Respect in Sport on-line course;
- demotion;
- temporary suspension, time and/or game
- termination of position and/or participation
- expulsion from membership
- publication of the details of the sanction (must adhere to Human Rights Legislation)

Unless the panel decides otherwise, any disciplinary sanctions applied shall take effect immediately.

15. **other recourse**

Every person who experiences bullying, harassment or abuse continues to have the right to seek assistance from municipal and/or provincial authorities or through legal means, even when steps are being taken under this policy. However, should such formal redress be sought, so as not to interfere with external processes, any actions undertaken in accordance with this Policy shall be placed on hold, pending resolution of external proceedings.

16. **Appeal Procedures**

The HEO Appeals Committee is structured to review and render decisions on appeals submitted by members of the Branch. Members appealing such decisions must be aware that the HEO Appeals Committee is not empowered to re-open a matter to view all of the original material presented with the intent of producing a new decision. Appeals and disciplinary hearings are chaired by the HEO Vice President.

17.0 HOCKEY CANADA/HEO ON-LINE RELATED COURSES

In partnership with Respect Sport Group, Hockey Canada offers courses dealing with risk, safety and conduct management. The Respect in Sport and Parental Program are designed to empower people to recognize and prevent abuse, bullying and harassment through interactive on-line training. In HEO, Respect in Sport is a mandatory training program for all volunteers working with youth in Minor Hockey including coaches, managers and trainers. The Parental Program is mandatory for all parents with children registered in Tyke and Novice.

Appendix 'A' – Guide to Determining What Constitutes Abuse, Bullying and Harassment

1) Types of Bullying

It is inappropriate behaviours that are typically cruel, demeaning and hostile toward the bullying targets (most commonly occurs between children under the age of twelve but may also constitute behaviours between youth or between adults. Bullying is similar to harassment but the behaviours are not addressed under human rights laws. Bullies are typically cruel, demeaning and hostile towards the targets of their bullying.).

Bullying involves a person expressing their power through the humiliation of another person. Bullying occurs between people at any age and is not addressed under human rights legislation. It is inappropriate behaviours that are typically cruel, demeaning and hostile toward the bullying targets (most commonly occurs between children under the age of twelve but may also constitute behaviours between youth or between adults. Bullying is similar to harassment but the behaviours are not addressed under human rights laws. Bullies are typically cruel, demeaning and hostile towards the targets of their bullying.). The actual issue of bullying is not addressed by the law, except when the behaviour does become a criminal issue – e.g. extortion, physical assault etc... Bullying can be broken down into four types:

- Physical (hit or kick victims; take/damage personal property)
- Verbal (name calling; insults; constant teasing)
- Relational (try to cut off victims from social connection by convincing peers to exclude or reject a certain person)
- Cyber bullying

The following is a non-exhaustive list of tactics used by bullies to control their targets:

1. Unwarranted yelling and screaming directed at the target
2. Continually criticizing the target's abilities
3. Blaming the target of the bullying for mistakes
4. Making unreasonable demands related to performance
5. Repeated insults or put downs of the target
6. Repeated threats to remove or restrict opportunities or privileges
7. Denying or discounting the targets accomplishment
8. Threats of and actual physical violence

Physical

Hitting, shoving, kicking, spitting on, grabbing, beating others up, damaging or stealing another person's property; used most often by boys.

Verbal

Name-calling, hurtful teasing, humiliating or threatening someone, degrading behaviours; may happen over the phone, through text messaging or chat rooms, in notes or in person.

Relational

Excluding peers, spreading gossip or rumours, making others look foolish; used most often by

girls. This may happen in person, over the phone, through the computer.

Cyber-Bullying

Involves the use of information and communication technologies such as email, cell phone and text messages, camera phones, instant messaging, defamatory personal Websites, to support deliberate, repeated and hostile behaviour by an individual or group that is intended to harm others.

Characteristics of behaviour which constitute bullying include:

- offensive, cruel, intimidating, insulting or humiliating behaviour, combined with the misuse of power or position.
- attacks on a person are often sudden, irrational, unpredictable and unfair.
- it can be direct (face to face) or indirect, such as gossip or exclusion.
- it is an assertion of power through aggression.
- repeated oppression, physical or psychological, of a less powerful person by a more powerful person or group.
- it is not the same thing as conflict, violence or disagreement – although it may involve all of these.
- there is always a power imbalance which makes the ill treatment of the victim possible.

2) Types of Harassment

Harassment occurs when someone attempts to negatively control, influence, discriminate or embarrass another person. Examples are displays of favouritism or dis-favouritism, subtle putdowns or ostracism, all **based on a ground of discrimination**.

Racism

Racism is when people are treated negatively because of their colour, racial or ethnic background. Examples include racist names, treating someone as inferior or second-rate, leaving someone out or blaming problems on them because of their religion, skin colour, or country of origin.

Disability Harassment

Disability harassment is when a person is treated differently because of a real or perceived disability, physical, mental or learning. It may be verbal – such as name calling or threatening the person with physical harm, actually physically harming a person, hurtful written comments or preventing an individual from fully participating in on-ice or team activities.

Sexual Harassment

Sexual harassment is unwelcome behaviour of a sexual or gender nature that negatively affects the person or the environment. Examples are questions or comments about one's sex life, sexual staring, sexual comments, unwanted touching, insults about sexual orientation and sexual assault.

Criminal Harassment

Criminal Harassment occurs when the harassing behaviour contravenes Canada's Criminal Code. Commonly, behaviours threaten the victim or members of the victim's family, and may include stalking, damage on the victim's property, threats of physical or sexual assault, or extortion.

Examples of behaviour which constitute harassment include, but are not limited to:

- Unwelcome jokes, innuendo or teasing about a person's looks, body, attire, age, race, religion, sex or sexual orientation.
- condescending, patronizing, threatening or punishing actions which undermine self-esteem or diminish performance.
- practical jokes that cause awkwardness or embarrassment, endangering a person's safety or negatively affecting performance.
- unwanted or unnecessary physical contact including touching, patting or pinching.
- behaviours such as those described above which are not directed towards individuals or groups, but which have the effect of creating a negative, hostile or uncomfortable environment.

Examples of Sexual Abuse

Contact

- touched or fondled in sexual areas
- forced to touch another person's sexual areas
- kissed or held in a sexual manner
- forced to perform oral sex
- vaginal or anal intercourse
- vaginal or anal penetration with an object or finger
- sexually oriented hazing

Non-Contact

- obscene remarks on phone/computer or in notes/letters
- voyeurism
- shown pornography
- forced to watch sexual acts
- sexually intrusive questions or comments
- forced to pose for sexual photographs or videos
- forced to self-masturbate or forced to watch others masturbate