

Orillia Minor Hockey Abuse and Harassment Policy

This policy uses the term "Complainant" to refer to the person who experiences harassment, even though not all persons who experience harassment will make a formal complaint. The term "Respondent" refers to the person against whom a complaint is made.

Policy Statement

The Orillia Minor Hockey Association is committed to providing a sport and work environment which promotes equal opportunities and prohibits discriminatory practices.

Harassment is a form of discrimination. Harassment is prohibited by human rights legislation in each province of Canada. In its most extreme forms, harassment can be an offense under Canada's Criminal Code.

Application & Scope

This policy applies to all categories of members in the ORILLIA MINOR HOCKEY ASSOCIATION, as well as to all individuals participating in activities of or employed by the ORILLIA MINOR HOCKEY ASSOCIATION, including, but not limited to, players, officers, convenors, committee members, team managers, trainers, administrators and employees.

This policy applies to harassment, which may occur during the course of all ORILLIA MINOR HOCKEY ASSOCIATION business, activities and events, including but not limited to competitions, team practices, training camps, exhibitions, meetings and travel associated with these activities.

Definition of Harassment and Bullying

- Harassment is defined as conduct, which is insulting, intimidating, humiliating, offensive or physically harmful. Types of behavior 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 which cause awkwardness or embarrassment, endanger a person's safety or negatively affect performance
- Unwanted or unnecessary physical contact including touching, patting or pinching
- Any form of hazing
- Any form of physical assault or abuse

- Any sexual offence
- Behaviors such as those described above which are not directed towards individuals or groups but which have the effect of creating a negative or hostile environment

Bullying is defined as intentionally hurting someone in order to insult, humiliate, degrade or exclude him or her. Basically it is “mean” behaviour. Bullying is:

- hurting behaviours based on oppression and “meanness”
- based on power differentials
- intentionally harmful
- intense and long in duration
- repeated over time (generally)
- oppressive – isolates victims
- caused by many factors and behavioural challenges

Hurtful actions may be:

- Physical – ie: hitting, kicking, grabbing, shoving, spitting on, beating others up, damaging or stealing another person’s property
- Verbal – ie: name-calling, humiliating, degrading behaviour, hurtful teasing, threatening someone (this may happen in notes or in person, over the phone, through text messages or a chat room)
- Relational – ie: making others look foolish, excluding peers, spreading gossip or rumours (this may happen in person, over the phone or through the computer)

Abuse and Neglect of Minors

When any person in authority has a reasonable belief that in the course of ORILLIA MINOR HOCKEY ASSOCIATION business, activities or events a minor is being abused or neglected, he or she shall report this belief to Childrens Aid Society or Police and shall advise the Board of Directors.

The ORILLIA MINOR HOCKEY ASSOCIATION shall take no further action until such time as the authorities and/or police have concluded their investigation.

The matter shall then be dealt with as a disciplinary matter pursuant to this policy, and the report of the investigation carried out by authorities may be used as evidence under these proceedings.

Confidentiality

The ORILLIA MINOR HOCKEY ASSOCIATION recognizes the sensitive and serious nature of harassment and will strive to keep all matters relating to a complaint confidential. However, if required by law to

disclose information, the ORILLIA MINOR HOCKEY ASSOCIATION will do so. This shall not preclude publication of the final outcome of any matter, where a sanction imposed under this policy includes publication.

Complaint

A person who experiences harassment, any person who witnesses harassment, or any person who believes that harassment has occurred is encouraged to make it known that the behavior is unwelcome, offensive and contrary to the values of the ORILLIA MINOR HOCKEY ASSOCIATION and this policy.

If confronting the harasser is not possible, or if after confronting the harasser the harassment continues, the matter should be reported to the ORILLIA MINOR HOCKEY ASSOCIATION Abuse and Harassment Officer.

Once an incident is reported, the role of the ORILLIA MINOR HOCKEY ASSOCIATION Abuse and Harassment Officer 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 assisting in an informal resolution of the complaint, **where this is appropriate**.

If the ORILLIA MINOR HOCKEY ASSOCIATION Abuse and Harassment Officer considers that he or she is unable to act in this capacity, the complaint shall be referred to the President of the ORILLIA MINOR HOCKEY ASSOCIATION.

If informal resolution of the complaint is not appropriate or possible, the person who has experienced or witnessed the harassment, or who believes that harassment has occurred, may make a formal written complaint to the President of the ORILLIA MINOR HOCKEY ASSOCIATION. The forms are available at the hockey office or on the website.

Any report or informal resolution shall be documented by the Abuse and Harassment Officer and reported to the President on a monthly basis.

Investigation

The President of the ORILLIA MINOR HOCKEY ASSOCIATION shall receive any written complaint of abuse or harassment. The President shall appoint an individual to conduct an investigation of the complaint.

For serious matters, the investigator should be experienced in harassment matters and investigation techniques, and may be an outside professional.

The investigator shall carry out the investigation in a timely manner and at the conclusion of the investigation shall submit a written report to the President.

Within **SEVEN** days of receiving the written report of the investigator, the President shall decide if the complaint should be dealt with directly, without a hearing, in which case he or she shall direct the appropriate response and the matter shall then be concluded, provided the person complained of is fully informed and is given an opportunity to respond to the complaint.

After a thorough internal investigation the ORILLIA MINOR HOCKEY ASSOCIATION has the power to discipline, sanction and/or suspend any team player, team official or employee for contravention of the ORILLIA MINOR HOCKEY ASSOCIATION Code of Conduct.

All sanctions and/or suspensions assessed by the ORILLIA MINOR HOCKEY ASSOCIATION must be reported to their Ontario Minor Hockey Regional Executive Member and the ORILLIA MINOR HOCKEY ASSOCIATION Executive Director, to be kept on file.

The Abuse and Harassment Officer shall report to the Board monthly all cases of abuse and Harassment. No specifics will be provided just a broad report without names mentioned.

Hearing

If the President of the ORILLIA MINOR HOCKEY ASSOCIATION decides that the complaint shall be dealt with by means of a hearing, the Dispute Resolution Committee shall serve as a Panel, and one of these persons will serve as the Chairperson of the Panel as directed by the President.

The Panel shall govern the hearing by such procedures as it may decide, provided that:

- i) The Complainant and Respondent shall be given written notice (by courier registered mail) of the day, time and place of the hearing:
- ii) All parties shall receive a copy of the Investigator's report
- iii) Both the Complainant and Respondent shall be present at the hearing
- iv) The Panel may request that witnesses to the incident be present or submit written evidence
- v) If at any point in the proceedings, the Complainant becomes reluctant to continue, it shall be at the sole discretion of the Panel to continue the review of the complaint in accordance with this policy.

After reviewing and deciding the harassment matter, the Panel shall present its findings in a written report to the President, with a copy provided to both the Complainant and the Respondent. This report shall contain:

- i) A summary of the relevant facts
- ii) A determination as to whether the acts complained of constitute harassment as defined in this policy
- iii) Disciplinary action to be taken, if the acts constitute harassment; and
- iv) Measures to remedy or mitigate the harm or loss suffered by the Complainant, if the acts constitute harassment.

Results of the hearing are to be reported to the President of the ORILLIA MINOR HOCKEY ASSOCIATION in written form.

Sanctions

When directing appropriate disciplinary sanction, the Panel shall consider factors such as:

- i) The nature and severity of the harassment
- ii) Whether the harassment involved any physical contact
- iii) Whether the harassment was an isolated incident or part of an ongoing pattern
- iv) The nature of the relationship between the complainant and harasser
- v) The age of the Complainant
- vi) Whether the harasser had been involved in previous harassment incidents
- vii) Whether the harasser admitted responsibility and expressed a willingness to change
- viii) Whether the harasser retaliated against the complainant

In directing disciplinary sanctions, the Panel may consider the following options, singly or in combination, depending on the nature and severity of the harassment:

- i) Verbal apology
- ii) Written apology

- iii) Letter of reprimand from the ORILLIA MINOR HOCKEY ASSOCIATION
- iv) A fine or levy
- v) Referral to counselling
- vi) Removal of certain privileges of membership or employment
- vii) Temporary suspension with or without pay
- viii) Termination of employment or contract
- ix) Suspension of membership
- x) Expulsion from membership
- xii) Any other sanction which the Panel may deem appropriate

Failure to comply with a sanction as determined by the panel shall result in automatic suspension of membership in the ORILLIA MINOR HOCKEY ASSOCIATION until such time as the sanction is fulfilled.

Incidents Requiring Immediate Response

This policy shall not prevent a person in authority from taking immediate, informal, corrective and appropriate disciplinary action in response to behaviour that, in his or her view, constitutes a minor instance of harassment.

Harassment complaints arising during competitions may be dealt with immediately, if necessary, by an ORILLIA MINOR HOCKEY ASSOCIATION representative in a position of authority, provided the individual being disciplined is told 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.

In the event that an alleged offense is so serious so as to possibly jeopardize the safety of others, the Executive Committee of the Ontario Minor Hockey Association may immediately remove the alleged offender from ORILLIA MINOR HOCKEY ASSOCIATION activities, pending an investigation of the complaint in accordance with this policy.

Appeals Procedure

Both the Complainant and Respondent shall have the right to appeal the decision and sanctions of the Panel, in accordance with the ORILLIA MINOR HOCKEY ASSOCIATION Appeal Policy.