

HARASSMENT, ABUSE, BULLYING **AND MISCONDUCT POLICY**

PROMOTING POSITIVE HOCKEY BEHAVIOUR

















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1. POLICY STATEMENTS

- **1.1** The Ontario Hockey Federation (OHF) is committed to provide an environment that is safe and respectful. The OHF supports the right of all its members and staff to participate and work in an environment that prohibits discriminatory practices of all kinds and promotes equitable opportunities.
- **1.2** It is the policy of the OHF that there be no harassment, abuse, bullying or misconduct of any participant in any of its programs.
- 1.3 The OHF expects every athlete, coach, assistant coach, trainer, manager, official, parent, director, officer, volunteer, employee and chaperone within the OHF and each of the OHF Member Partners to take reasonable steps to safeguard the participants against harassment, abuse, bullying or misconduct.
- **1.4** The OHF will make all reasonable efforts to promote awareness of the problems of harassment, abuse, bullying and misconduct among all its members.

2. EFFECTIVE DATE

- **2.1** June 1998
- 2.2 Revised December 2005, March 2011 and June 2014

3. OHF MEMBER PARTNER REQUIREMENTS

3.1 OHF Member Partners are responsible for adopting and implementing a policy similar to, and consistent with this policy.

4. **DEFINITIONS**

4.1 Legislation

[1] Child Protection Legislation – Ontario Child and Family Services Act (CFSA)

http://www.canlii.org/en/on/laws/stat/rso-1990-c-c11/latest/rso-1990-c-c11.html

http://www.children.gov.on.ca/htdocs/English/topics/childrensaid/reportingabuse/index.aspx

[2] Human Rights Legislation – the Canadian Human Rights Act or the Ontario Human Rights Code

http://laws-lois.justice.gc.ca/eng/acts/h-6/

http://www.ohrc.on.ca/en/ontario-human-rights-code

4.2 Child

In the Province of Ontario Child means a person between the age of 0 and 18 years.

4.3 Adult

Adult means a person who has reached the age of maturity. In the Province of Ontario this age is 18 years.

4.4 Bullying

Bullying describes behaviours that are similar to harassment, but occur between children that are not addressed under human rights laws. Bullying can be broken down into six categories:

4.4.1 Physical Bullying:

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

4.4.2 Verbal Bullying:

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

4.4.3 Relational Bullying:

Trying to cut off victims from social connection by convincing peers to exclude or reject a certain person, spreading rumours or giving the "silent treatment; used most often by girls. This may happen in person, over the phone, through the computer.

4.4.4 Discriminatory Bullying:

Discriminatory bullying targets people because of their sexual orientation, ethnicity, gender identity, skin colour, religion, weight, appearance, disability, nationality or other things that are perceived to make them "different".

4.4.5 Reactive Bullying:

Engaging in bullying as well as provoking bullies to attack by taunting them.

4.4.6 Cyber Bullying:

Involves the use of information and communication technologies such as email, cell phones and text messaging, camera phones, instant messaging, social networking sites such as Facebook, Twitter, Instagram, Tumblr, Flickr, Myspace etc., defamatory personal websites (such as Network 54), or other forms of electronic information transfer to support deliberate, repeated and hostile behaviour by an individual or group that is intended to harm others, threaten, harass, embarrass, socially exclude or damage reputations and friendships.

Bullying is not...

- Conflict between friends
- An argument between people of equal power
- Accidental
- Normal relational development challenges
- A "one-time" event (usually)
- Friendly teasing that all parties are enjoying
- Something people grow out of

Bullying is...

- Hurting behaviours based on oppression and "meaness"
- 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

4.5 Harassment

Harassment is defined as conduct, gestures or comments which are insulting, intimidating, humiliating, hurtful, malicious, degrading or otherwise offensive to an individual or group of individuals which create a hostile or intimidating environment for work or sports activities, or which negatively affect performance or work conditions. Any of the different forms of harassment must be based on a prohibited ground of discrimination in the Ontario Human Rights Legislation, including race, ethnicity, colour, religion, age, sex, marital status, family status, disability, pardoned conviction and sexual orientation.

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

- Unwelcomed jokes, innuendo or teasing about a person's looks, body, attire, age, race, religion, nationality, sex or sexual orientation.
- Condescending, patronizing, threatening or punishing actions, **based on a ground of discrimination**, which undermine self-esteem or diminish performance.
- Practical jokes **based on a ground of discrimination,** which cause awkwardness or embarrassment, endanger a person's safety or negatively affects performance.

- Unwanted or unnecessary physical contact including touching, patting or pinching (in the case of minors, this is defined as abuse under the Child and Family Services Act).
- Unwelcome flirtation, sexual advances, requests or invitations (if minor involved, covered under Child Protection Legislation).
- Behaviours 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.

What is criminal harassment?

Criminal harassment—often known as stalking—involves following another person; monitoring them or someone close to them, or their home; contacting them repeatedly against their wishes or threatening them. For a charge of criminal harassment to be laid, the victim must have reason to fear for his/her safety (or the safety of someone else) and the perpetrator must know - or could reasonably be expected to know—that the victim is fearful (Family Violence in Canada, A Statistical Profile, 2001).

Criminal charges may also be laid in harassment cases if a person has been physically or sexually assaulted.

4.6 Abuse

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

4.6.1 Emotional Abuse

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 the child's needs but it is not simply benching a player for disciplinary reasons, cutting a player from a team after tryouts, refusing to transfer a player, limiting ice time and yelling instructions from the bench.

4.6.2 Physical Abuse

Physical abuse is when a person in a position of power or trust purposefully injures or threatens to injure a child. This may take the form of slapping, hitting, shaking, kicking, pulling hair or ears, throwing, shoving, grabbing, hazing or excessive exercise as a form of punishment.

4.6.3 Neglect

A general definition of neglect is the chronic inattention to the basic necessities of life such as clothing, shelter, nutritious diets, education, good hygiene, supervision, medical and dental care, adequate rest, safe environment, moral guidance and discipline, exercise and fresh air.

Some examples of neglect occurring in a sport environment are:

- Inadequate Shelter/Unsafe Environments: Failure to maintain equipment or facility; forcing athletes to participate without proper protective equipment.

- *Inadequate Clothing:* Preventing athletes from dressing adequately for weather conditions or making them stay in wet clothes as punishment following a game.
- Inadequate Supervision: Leaving young athletes unsupervised in a facility or on a team trip (OHF Two Deep Policy).
- Lack of Medical/Dental Care: Ignoring or minimizing injuries; ignoring medical advice; not seeking medical or dental attention when warranted.
- Inadequate Education: Encouraging athletes to not do homework, to not attend school, or to drop out.
- *Inadequate Rest:* Overdoing or increasing workouts as punishment; prohibiting adequate sleeping or resting time.
- *Inadequate Moral Guidance & Discipline:* Not providing adequate supervision during team functions; hiring strippers or prostitutes; offering pornography to young athletes.

4.6.4 Sexual Abuse

Sexual abuse is when a child is used by a child with more power or an adult for his or her own sexual stimulation or gratification. There are two categories of sexual abuse: contact and non-contact.

4.6.4.1 Contact

- Touch and 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 object or finger
- Sexually oriented hazing

4.6.4.2 Non-Contact

- Obscene calls/remarks on a computer, cell phone or in notes
- Voyeurism
- Shown pornography
- Forced to watch sexual acts
- Sexually intrusive questions or comments
- Indecent exposure
- Forced to pose for sexual photographs or videos
- Forced to self-masturbate
- Forced to watch others masturbate

Duty to Report

Abuse and neglect are community problems requiring urgent attention. The Ontario Hockey Federation (OHF) is committed to help reduce and prevent the abuse and neglect of participants. The OHF 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 legislation and following through as required.

The Province of Ontario has mandatory reporting laws regarding the abuse and neglect of children and youth, which are contained in Section 72 of the Child and Family Services Act (CFSA). Consequently, it is the policy of the OHF that any OHF personnel (part-time and full-time staff, volunteer, participant, team official, on ice official) or OHF partner (parent, guardian) 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 local child protection agency and/or the local police detachment. In Ontario a person is considered a child up to the age of eighteen.

Those involved with the OHF 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 CFSA.

4.7 Hazing

Hazing is an initiation practice that may humiliate, demean, degrade or disgrace a person regardless of location or consent of the participant(s).

4.8 Misconduct

Misconduct refers to the behaviour or a pattern of behaviour that is found, by a formal (for example an independent investigation) or informal process (i.e. for example an internal fact finding), to be contrary to the OHF Code of Conduct and that is not harassment, abuse or bullying.

4.9 Complaint

Any allegation, verbal or written, that involves bullying, harassment, abuse or misconduct within the jurisdiction of the OHF.

4.10 OHF Personnel

OHF personnel include OHF office employees, council and committee chairs and members, Directors and Officers and any other personnel that may be identified by the OHF President.

4.11 Billet

Any community volunteer who applies or is requested by an OHF Member Partner club, association team or league, to host a traveling player or players on his or her premises during periods when the player(s) will otherwise be unsupervised and outside of the care of parent(s), guardian(s), coach or other designated adult.

5. RECEIVING A COMPLAINT

5.1 Complaints must be submitted in writing and on the OHF or OHF Member Partner Complaint Intake Form (Appendix A).

5.2 OHF Responsibility:

- **5.2.1** If a Complaint is directed to the attention of the OHF, all relevant information will be forwarded to the associated Member Partner for follow up and/or investigation.
- **5.2.2** If a Complaint concerns an OHF Officer, Director, representatives while acting in the capacity of their OHF position or OHF Staff, the complaint will be handled either by the OHF or Hockey Canada when deemed appropriate.
- **5.2.3** Upon notification of a Complaint the OHF will report the situation and all relevant information to the Hockey Canada Insurance Department in accordance with Hockey Canada guidelines.
- 5.2.4 If a Complaint is addressed to the OHF but relates to an action within a Member Partner, the OHF President will request the relevant OHF Member Partner to conduct an investigation within an agreed time frame. The Complaint will be referred to that Member Partner to be dealt with in accordance with this and that Member Partner's policies.

5.3 OHF Member Partner Responsibility:

- **5.3.1** OHF Member Partners shall designate one person or committee to accept complaints originating from participants within their jurisdiction. This person or committee will be identified to the OHF Risk Management Committee at the beginning of each season.
- **5.3.2** Upon receipt of a Complaint the OHF Member Partner will complete an OHF Complaint Intake Form and submit it to the OHF Executive Director or staff designate.
- 5.3.3 OHF Member Partners will provide an annual report to the OHF pertaining to complaints that meet the merits of the Respect in Sport Activity Leader Program on or before June 1 each year that will include: (a) The number of complaints of harassment, abuse, bullying and misconduct received, (b) the number of complaints of harassment, abuse, bullying and misconduct found to be with merit and those without merit, and (c) the number of Speak Out training sessions held, number of certified participants and the number of Respect In Sport Activity Leader certified participants for the season.

6. COMPLAINT ADMINISTRATION

- **6.1** Complaints of abuse, harassment, bullying or misconduct may be handled informally where possible, or formally, but within a reasonable time frame.
- **6.2** The OHF, OHF Member Partners and any members thereof are not required to deal with all complaints. The OHF, OHF Member Partner or member thereof may decide not to deal with the complaint if it is of the opinion that it:
 - **6.2.1** could be more appropriately dealt with under another policy, rule or regulation;
 - **6.2.2** is frivolous, vexatious or made in bad faith;

- **6.2.3** is not within the governing body's jurisdiction; or,
- **6.2.4** is based on occurrences that are more than six months old.
- **6.3** The OHF, OHF Member Partners or any member thereof will not deal with any complaint of abuse as defined in the Child Protection Legislation. Any investigation of a complaint of this nature will be left to the police or appropriate child protective agency.
 - **6.3.1** During an investigation by the police or appropriate child protective agency the individual under investigation would be removed from participation.
 - **6.3.2** If a complaint of abuse of a child participant results in a conviction, the OHF, OHF Member Partner or member thereof may discipline the individual convicted.
 - **6.3.3** If a complaint of abuse of a child participant does not result in a conviction, the OHF, OHF Member Partner or member thereof may nevertheless discipline the individual subject to the complaint having merit.
 - **6.3.4** Consideration of time served during the investigation will be taken into account in any further discipline applied.
- **6.4** Complaints of abuse, harassment, bullying or misconduct will not qualify a player for an automatic release. This is to ensure the safety of all players on the team, not just the one initiating the complaint. If a complaint is substantiated, the primary option is to address the behaviour of the offending party which may include disciplinary action up to and including suspension or removal.

7. INVESTIGATION:

- 7.1 In order to remain impartial for the purpose of hearing appeals, the OHF will not engage in investigations except: (a) where it is inappropriate for the OHF Member Partner to do so, or (b) if the initial investigation was conducted incorrectly as determined by OHF By Law 5, or (c) if the complaint relates to a participant of one Member Partner launched by a participant of another Member Partner.
- 7.2 All investigations of harassment, bullying or misconduct will be conducted in accordance with the OHF Privacy Policy. Disclosure of any part of the final report will be provided at the discretion of the OHF President and where third party confidentiality is required the report may not be provided. Upon the final determination a summary report may be available to the relevant parties who may include, but are not limited to, the person(s) who initiated the complaint, the person(s) against whom the complaint was made, any person(s) against whom any adverse finding is made.
- **7.3** When the OHF is conducting an investigation, the report resulting therefrom, will be received by the OHF Officers for review and determination.
- **7.4** Any decision for the OHF to contact the police on the basis of the Investigation Report will be made by the OHF President.

7.5 OHF Member Partner Responsibility:

- **7.5.1** OHF Member Partners are required to oversee all investigations within their jurisdiction.
- **7.5.2** Once directed to do so, an OHF Member Partner may not cede its responsibility to:
 - **7.5.2.1.** complete the investigation and;

- **7.5.2.2.** render a decision within the specified timeframe.
- **7.5.3** The failure of an OHF Member Partner to complete an appropriate fact finding investigation and render a decision, once directed, may result in disciplinary action at the discretion of the President or Board of Directors.
- **7.5.4** OHF Member Partners are encouraged to employ the services of a professional investigation firm or suitably qualified individual (i.e. a retired police officer).
- **7.5.5** OHF Member Partners may have access to their portion of OHF Risk Management Funds to pay for fact finding investigations.

8. INVESTIGATION DECISIONS

- **8.1** The following decisions resulting from any investigation may be made:
 - **8.1.1** the complaint is with merit;
 - **8.1.2** the complaint is without merit;
 - **8.1.3** there is insufficient information to enable a conclusive decision to be made; or
 - **8.1.4** the complaint is outside of the jurisdiction of the investigating body.

9. DISCIPLINE

- **9.1** Any athlete, coach, assistant coach, trainer, manager, official, parent, director, officer, volunteer, employee or chaperone within the OHF and/or within any of the OHF Member Partners or member thereof found in violation of the OHF Harassment, Abuse, Bullying and Misconduct Policy or the OHF Code of Conduct may be disciplined up to and including dismissal and/or revocation of membership in accordance with the OHF Constitution, By-Laws and Regulations.
- **9.2** Any athlete, coach, assistant coach, trainer, manager, official, parent, director, officer, volunteer, employee or chaperone within the OHF and/or any of the OHF Member Partners who knowingly brings a false complaint against an OHF participant may be disciplined up to and including dismissal and/or revocation of membership in accordance with the OHF Constitution, By-laws and Regulations.
- 9.3 Any athlete, coach, assistant coach, trainer, manager, official, director, officer, volunteer or employee or chaperone who is the subject of a complaint of harassment, abuse, bullying or misconduct may be suspended from his or her position, or made subject to other precautions taken for the duration of an investigation. This action will be reviewed by the OHF President or other designate on a case by case basis in accordance with the OHF Constitution, By-laws and Regulations.
- **9.4** Any coach, assistant coach, trainer, manager, official, director, officer, volunteer, employee or chaperone who is discovered by means other than a criminal record check to have a conviction that may impact upon their position, may be disciplined up to and including dismissal and/or revocation of membership in accordance with the OHF Constitution, By-Laws and Regulations.

10. APPEALS

10.1 Except where otherwise provided, an appeal of any disciplinary matter will be regulated and heard in accordance with OHF By-law 5.

APPENDIX A – OHF Complaint Intake Form



ONTARIO HOCKEY FEDERATION COMPLAINT INTAKE FORM



Please note the following:

- Complaints of harassment, abuse, bullying or misconduct will not qualify a player for an automatic release.
- Substantiated allegations of harassment, abuse, bullying or misconduct will be considered for sanctions ranging in severity from: no further action to expulsion.

	Complaints will be addressed accordi	ing to coverity rec	ources and	safaty for parti	icinante		
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	Fax or email completed form to 519-6	620-7476 or <u>scam</u> p	obell@ohf.or	<u>1.ca</u>			
9	ase complete the following:						
	Person making the complaint:		☐ Player	☐ Parent	☐ Volunteer	☐ Official	☐ Employee
	First Name		Last Na	me			
	Address						
	City/Town	Province			Postal Code		
	Telephone Number	Fax Number			Email		
2.	Person on whose behalf the complaint is made: (to be completed if different from above)						
	First Name		Last Name				
	Birth Date (day / month / year)						
	Name of person(s) against whom y	ou are complaini	ng:				
I	First Name		Last Name				
			1		01.1		
	Title/Role		Name of Association/Club				
	First Name		Last Name				
	Title/Role		Name of Association/Club				
			1				

☐ Conduct	e of behaviour:						
	☐ Gestures		Comments	S			
ased on:							
Race	☐ Ethnicity	Disability		☐ Colour			
Religion	☐ Age	☐ Sexual orienta	tion	Sex			
☐ Marital status	☐ Family status	☐ Pardoned conv	viction				
	initions)						
Bullying (refer to Def	, , , , , , , , , , , , , , , , , , ,						
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(6. Continued)	7
Day/Month/Year	Signature of Complainant
Day/Months 1 out	Organica Companion

DEFINITIONS

The following abbreviated definitions will be used to determine the grounds on which the complaint is made and the process to address it. For the complete definitions please see Section 4 of the OHF Harassment, Abuse, Bullying and Misconduct Policy.

Misconduct

Misconduct refers to the behaviour or a pattern of behaviour that is found, by a formal (for example an independent investigation) or informal process (i.e. for example an internal fact finding), to be contrary to the OHF Code of Conduct and that is not harassment, abuse or bullying.

Bullying

Bullying describes behaviours that are similar to harassment, but occur between children that are not addressed under human rights laws. Bullying is intentionally hurting someone in order to insult, humiliate, degrade or exclude him or her. Bullying can be broken down into six categories: Physical, Verbal, Relational, Reactive, Discriminatory and Cyber.

Harassment

Harassment is defined as conduct, gestures or comments which are insulting, intimidating, humiliating, hurtful, malicious, degrading or otherwise offensive to an individual or group of individuals which create a hostile or intimidating environment for work or sports activities, or which negatively affect performance or work conditions. Any of the different forms of harassment <u>must be based on a prohibited ground of discrimination in Human Rights Legislation</u>, including race, ethnicity, colour, religion, age, sex, marital status, family status, disability, pardoned conviction and sexual orientation..

Hazing

Hazing is an initiation practice that may humiliate, demean, degrade or disgrace a person regardless of location or consent of the participant(s).

Abuse

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

Abuse is an issue of child protection. Protection refers to provincial, territorial or Aboriginal band-appointed child protective services. A child may be need of protection from harm if abuse or neglect is suspected. Information about one's legal duty to report and circumstances under which reporting must occur according to child protection legislation is available at www.hockeycanada.ca.

Emotional Abuse

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 the child's needs.

Physical Abuse

Physical abuse is when a person in a position of power or trust purposefully injures or threatens to injure a child. This may take the form of slapping, hitting, shaking, kicking, pulling hair or ears, throwing, shoving, grabbing, hazing or excessive exercise as a form of punishment.

Neglect

A general definition of neglect is the chronic inattention to the basic necessities of life such as clothing, shelter, nutritious diets, education, good hygiene, supervision, medical and dental care, adequate rest, safe environment, moral guidance and discipline, exercise and fresh air. Neglect may apply in a hockey setting where there is a chronic inattention in the hockey context, for example when a player is made to play with injuries.

Sexual Abuse

Sexual abuse is when a child is used by a child or youth with more power or an adult for his or her own sexual stimulation or gratification. There are two categories of sexual abuse: contact and non-contact.

OHF CODE OF CONDUCT

- 1. The OHF is committed to providing a sport environment in which all individuals are treated with respect.
- 2. During the course of all OHF activities, athletes, coaches, parents, directors, volunteers, staff, chaperones and others within each of the OHF Member Partners:
 - a) Shall conduct themselves, at all times, in a fair and responsible manner and refrain from comments or behaviours that are disrespectful, offensive, abusive, racist or sexist. In particular the OHF will not tolerate behaviour that constitutes harassment or abuse or bullying, and;
 - Shall avoid behaviour which brings the OHF and/or it's Member Partners, or the sport of hockey into disrepute, including but not limited to the abusive use of alcohol and/or non-medical use of drugs, and;
 - c) Shall not use unlawful performance enhancing drugs or methods, nor shall they engage in activity or behaviour that endangers the safety of others, and;
 - d) Shall at all times adhere to Hockey Canada, OHF and its Member Partner's operational policies, procedures and any rules governing any competition in which they participate on behalf of the OHF and/or Member Partner.
- 3. Failure to comply with this Code of Conduct may result in disciplinary action, including, but not limited to, the loss or suspension of certain or all privileges connected with the respective Member Partner and/or OHF including the opportunity to participate in OHF and its Member Partner activities. Such discipline may include the removal or ban from an arena, games, practices and other team activities.

APPENDIX B - LINKS TO RESOURCES

Cyberbullying Resources

http://www.getcybersafe.gc.ca http://www.needhelpnow.ca http://www.prevnet.ca

Tip Sheet on Cyberbullying

http://www.opp.ca/ecms/files/250363910.6.pdf



226-533-9070















519-273-7209

416-636-6845

705-474-8851

519-622-2402

416-299-8700

905-780-6642

905-282-9980