

STRATFORD ROTARY HOCKEY

Harassment, Bullying, Misconduct, and Abuse Policy



1. INTRODUCTION

This policy sets out the principles and practices of Stratford Rotary Hockey League (SRHL) with regards to abusive behaviour toward participants. It also establishes policies and procedures relating to some behaviours that are defined as abuse, when a child or youth's protection is at risk, when actions constitute harassment or bullying, or when the behaviour breaches human rights or appropriate relationship/conduct boundaries. SRHL is part of a sporting community that is committed to seeking better ways to keep our participants, especially our children and youth, safe. Protecting participants from all forms of abuse and neglect, whether emotional, physical, or sexual, is an important element of safety. SRHL considers any form of abuse or neglect to be unacceptable.

2. EFFECTIVE DATE

December 20, 2016 - Updated December 18 2019

3. POLICY STATEMENTS

3.1 Stratford Rotary Hockey League (SRHL) is committed to provide an environment that is safe and respectful. SRHL 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.

3.2 It is the policy of SRHL that there be no harassment, abuse, bullying, or misconduct of any participant in any of its programs.

3.3 SRHL expects every athlete, coach, assistant coach, trainer, manager, official, parent, director, officer, volunteer, employee, and chaperone within SRHL to take reasonable steps to safeguard the participants against harassment, abuse, bullying, or misconduct.

3.4 SRHL will make all reasonable efforts to promote awareness of the problems of harassment, abuse, bullying, and misconduct among all its members.

4. DEFINITIONS

4.1 Legislation

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

- <https://www.canlii.org/en/on/laws/stat/so-2017-c-14-sch-1/latest/so-2017-c-14-sch-1.html>
- <http://www.children.gov.on.ca/htdocs/English/topics/childrensaidd/reportingabuse/index.aspx>

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 person's property.

4.4.2 Verbal Bullying:

Name calling, hurtful teasing, humiliating or threatening someone, degrading behaviours; 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." This may happen in person, over the phone, through the computer, or other electronic means.

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 e-mail, cell phones and text messaging, camera phones, instant messaging, social networking sites such as Facebook, Twitter, Instagram, Tumblr, Flickr, defamatory personal websites (e.g., 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

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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

4.5 Harassment

Harassment is defined as conduct, gestures, or comments that are insulting, intimidating, humiliating, hurtful, malicious, degrading, or otherwise offensive to an individual or group of individuals that 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 age, citizenship, colour, disability, ethnicity, or place of origin, family status, gender identity or gender expression, marital status, race, record of offences or pardoned conviction, religion or creed, sex (including pregnancy or breastfeeding), 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, ethnic origin, age, gender identity, race, colour, 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; or 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 Policy on Dressing Room Supervision).
- 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

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, to be contrary to the societal norms of ethical behaviour 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 SRHL.

4.10 SRHL Personnel

SRHL personnel includes board members, convenors, coaches, part-time and full-time employees, volunteers, participants, on-ice officials, time-keepers, and any other personnel that may be identified by the SRHL President.

4.11 Harassment Committee

The SRHL Harassment Committee normally consists of the President, the First Vice-President, and the Second Vice-President. The President is normally Chair. Exceptions in membership include, but are not limited to, circumstances identified in Article 7.2 of this policy or when the President or a Vice-President is unavailable to serve. As necessary, the Board of Directors will appoint a member or members of the Board to fill any vacancies.

5. POLICE CHECKS

All coaches, first assistant coaches, volunteers who are in a position of authority (e.g., on-ice coaching, entering the locker room in a coaching capacity), board members, and convenors are required to complete a Police Records Check. Those who do not meet the requirements or abide by the requirements of the Police Records Check process may not be accepted, may be disciplined, or may be dismissed.

5.1 Criminal Record Check

The following guidelines are to be followed for SRHL Police Records Checks:

- 5.1.1 No check submitted may be older than six (6) months.
- 5.1.2 Checks of a person's service are required for the first year in a position that mandates one and every three years thereafter. In each of the intervening years, a declaration form must be signed by the person to confirm that there has been no change in their record.
- 5.1.3 If a person participates in SRHL and completes a Records Check and does not participate for a period of one playing year, that individual must complete another Records Check upon return (even if they return within the three year time period of the initial check).
- 5.1.4 Previous offences that may exclude a person's application for a position within SRHL, but are not limited to, offences against persons, offences involving property, or offences related to substance abuse.
- 5.1.5 Checks must be completed on the official form only.
- 5.1.6 Checks through the Stratford Police Services use an online process. For more information, see the Stratford Police Services Background Check Website:
<https://www.policeresolutions.ca/checks/services/stratford/index.php?page=crc>

- 5.1.7 Individuals requesting checks for use with SRHL who reside outside of the Stratford area must conduct their check at their respective local police detachment.
- 5.1.8 Individuals requesting checks for use with SRHL should have a letter of authorization from the President of SRHL.
- 5.1.9 Any returned forms indicating “NO” police or criminal record will be processed and no further action will be required by the individual at that time.
- 5.1.10 Any returned forms indicating “HAS” police or criminal record will require further review by SRHL and may involve a meeting between SRHL and the individual to review the nature of the record / conviction and to compare the offence to the specific job description and reference checks of that individual and determining the risk involved. SRHL reserves the right to prohibit, at any time, the individual with an offence from engaging in any type of formal contact with children in SRHL.
- 5.1.11 All forms will be maintained with the strictest confidentiality.

5.2 Detailed Police Check Requirements

If a volunteer wishes to participate in any on-ice activities with SRHL the following requirements will be adhered to:

- 5.2.1 A child under 16 (in the playing season) does not require the police check. The understanding is the coach who has submitted a police check will be responsible for the child.
- 5.2.2 A person aged 16 or 17 (in the playing season) who is a registered player SRHL does not require a police check. The understanding is the coach who submitted a police check will be responsible for the person. Additionally, a person 16 or 17 (in the playing season) who is a registered player in an association in good standing with Hockey Canada does not require a police check.
- 5.2.3 A person aged 16 or 17 (in the playing season) and is not a registered player in SRHL or an organization in association with Hockey Canada does require a police check.
- 5.2.4 Persons 18 and over require a police check (regardless of registration as a player in SRHL or any other league).

6. DUTY TO REPORT

Abuse and neglect are community problems requiring urgent attention. Stratford Rotary Hockey League (SRHL) is committed to help reduce and prevent the abuse and neglect of participants. SRHL 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 people, 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 SRHL that any SRHL personnel (part-time and full-time staff, volunteer, participant, team official, on-ice official) or SRHL 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 (18). Those involved with SRHL 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.

7. COMPLAINTS

- 7.1 When there is a complaint of abuse of a child participant there will be no investigation by SRHL. Any investigation will be left to the police or appropriate child protective agency.
- 7.1.1 If a complaint of abuse of a child participant results in a conviction, SRHL will exclude the individual convicted from all SRHL activities.
- 7.1.2 If a complaint of abuse of a child participant does not result in a conviction, SRHL may nevertheless discipline the individual subject to the complaint.
- 7.2 Complaints of harassment, bullying, or misconduct should be addressed in writing to the SRHL's Harassment Committee (see appendix A for complaint form). If the complaint involves a member or members of the Harassment Committee, the Board of Directors shall appoint members of the Board, as appropriate, to serve on the Harassment Committee.
- 7.3. Complaints of harassment, bullying, or misconduct should be handled informally where possible or formally (under Article 8, Article 9, Article 10, and Article 11 of this policy), and within a reasonable timeframe.
- 7.4 SRHL is not required to deal with all complaints. SRHL may decide not to deal with the complaint if it is of the opinion that it:
- 7.4.1 could be more appropriately dealt with under another policy, rule or regulation;
- 7.4.2 is frivolous, vexatious or made in bad faith;
- 7.4.3 is not within the governing body's jurisdiction; or
- 7.4.4 is based on occurrences that are more than six months old.
- 7.5 Complaints of harassment, abuse, or bullying 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.

8. INVESTIGATION AND INVESTIGATION PROCEDURE

- 8.1 Upon receipt of a complaint, the Harassment Committee shall appoint an individual to conduct an investigation of the complaint.
- All investigations of harassment, bullying, or misconduct will be conducted in such a way as to respect the privacy of the parties. Disclosure of any part of the final report will be provided at the discretion of the Harassment Committee 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.

- 8.2 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 Harassment Committee.
- 8.3 Within seven (7) days of receiving the written report of the investigator, the Harassment Committee shall decide if the complaint should be dealt with directly, without a hearing, in which case the Harassment Committee shall direct the appropriate response and the matter shall then be concluded, provided the subject of the complaint is fully informed and given the opportunity to respond to the complaint.
- 8.4 The following decisions resulting from any investigation may be made:
- 8.4.1 the complaint is with merit;
 - 8.4.2 the complaint is without merit;
 - 8.4.3 there is insufficient information to enable a conclusive decision to be made;
 - 8.4.4 the complaint is outside of the jurisdiction of the investigating body.
- 8.5 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.
- 8.5.1 Harassment complaints arising during competitions may be dealt with immediately, if necessary by an SRHL representative in a position of authority, 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.
- 8.5.2 In the event that an alleged offence is so serious it possibly jeopardizes the safety of others, the SRHL official may immediately remove the alleged offender from SRHL activities, pending an investigation of the complaint in accordance with this policy.

9. HEARING

- 9.1 If the Harassment Committee decides that the complaint shall be dealt with by means of a hearing, the Harassment Committee shall appoint three individuals to serve as a panel, and shall appoint one of these persons to serve as Chair of the Panel.
- 9.2 The Panel shall govern the hearing by such procedures as it may decide, provided that:
- 9.2.1 the Complainant and the Respondent shall be given written notice of the day, time, and place of the hearing;
 - 9.2.2 all parties shall receive a copy of the investigator's report or summary report; and
 - 9.2.3 both Complainant and Respondent shall be present at the hearing.
- 9.3 The Panel may request that witnesses to the incident be present or submit their recorded response transcribed as written evidence or written evidence.

- 9.4 If at any point in the proceedings, the Complainant becomes reluctant to continue, it shall be the sole discretion of the Panel whether or not to continue the review in accordance with this policy.
- 9.5 After reviewing and deciding the harassment, bullying, or misconduct matter, the Panel shall present its findings in a written report to the Harassment Committee, with a copy to both the Complainant and Respondent. This report shall contain:
- summary of relevant facts;
 - a determination as to whether the acts complained of, constitutes harassment bullying, or misconduct as defined in this policy; and
 - disciplinary action to be taken, if the act constitutes harassment, bullying, or misconduct.

10. INVESTIGATION DECISIONS

The following decisions resulting from any investigation may be made:

- the complaint is with merit;
- the complaint is without merit;
- there is insufficient information to enable a conclusive decision to be made; or
- the complaint is outside of the jurisdiction of the investigating body.

11. DISCIPLINE

- 11.1 Any athlete, coach, assistant coach, trainer, manager, official, parent, director, officer, volunteer, employee, or chaperone within SRHL found in violation of this policy and procedures may be disciplined up to and including a ban from all SRHL activities.
- 11.2 Any athlete, coach, assistant coach, trainer, manager, official, parent, director, officer, volunteer, employee, or chaperone within the SRHL who knowingly brings a false complaint against a SRHL participant may be disciplined up to and including a ban from all SRHL activities.
- 11.3 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, or bullying 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 SRHL First and Second Vice Presidents or other designate on a case by case basis.
- 11.4 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 and including a ban from all SRHL activities.

12. SANCTIONS

- 12.1 When directing appropriate disciplinary sanctions, SRHL shall consider factors such as:
- (a) the nature and severity of the harassment and bullying information
 - (b) whether the harassment and bullying involved any physical contact
 - (c) whether the harassment and bullying was an isolated incident or part of an ongoing pattern.
 - (d) the nature of the relationship between the complainant and the respondent.
 - (e) the age of the Complainant
 - (f) whether the respondent has been involved in any previous harassment and bullying incidents.
 - (g) whether the respondent admitted responsibility and expressed a willingness to change.
 - (h) whether the respondent retaliated against the complainant

- 12.2 In directing disciplinary sanctions, SRHL may consider, but not be limited to the following options, singly or in combination, depending on the nature and severity of the harassment and bullying:
- (a) Verbal apology
 - (b) Written apology
 - (c) Letter of reprimand from Stratford Rotary Hockey League
 - (d) Referral to counselling
 - (e) Removal of certain privileges of membership or employment
 - (f) Temporary suspension with or without pay
 - (g) Termination of employment or contract
 - (h) Suspension of membership
 - (i) Expulsion from membership
 - (j) Publication of the details of the sanction
 - (k) Any other sanction which SRHL may deem appropriate
- 12.3 Failure to comply with a sanction as determined SRHL shall result in automatic suspension of participation in SRHL, until such time as the sanction is fulfilled.
- 12.4 Notwithstanding the procedures set out in this policy, any individual participating in SRHL business, activities or events who is convicted of a criminal offense involving sexual exploitation, invitation to sexual touching, sexual interference, sexual assault, shall face automatic suspension from participating in any activities of SRHL for a period of time corresponding to the length of the criminal sentence imposed by the Court, and may face further disciplinary action SRHL accordance with this policy.

13. APPEALS

- 13.1 Parties may appeal disciplinary sanctions, in writing, to the Harassment Committee of SRHL within seven (7) days.
- 13.2 Appeals can be made only on the basis that the investigation was conducted in an unfair or biased manner contrary to the rules of natural justice.
- 13.3 The President of SRHL shall convene an Appeals Committee, consisting of three members of the SRHL Board of Directors, in reasonable period of time to consider the appeal.
- 13.4 The Harassment Committee shall communicate the Appeal Committee's decision to the appropriate parties.
- 13.5 Appeals may be made by a party only once per case.

These rules contain all amendments passed by the Board up to and including the AGM held in May, 2015.