



## **Policies and Procedures of the Abbotsford Minor Hockey Association**

**P-11**

### **Abuse and Harassment Policy**

Date Revised: June 2017

Version 1.0

## **Table of Contents**

<b>Table of Contents</b>	<b>1</b>
<b>Introduction</b>	<b>2</b>
<b>Definitions</b>	<b>2</b>
<b>Legal Context</b>	<b>2</b>
<b>Incidents of Abuse</b>	<b>3</b>
<b>Informal Resolution of Harassment Complaint</b>	<b>3</b>
<b>Formal Resolution of Harassment Complaint</b>	<b>4</b>
<b>Reviewing the Report on the Compliant</b>	<b>4</b>
<b>Procedure in the event of Abuse</b>	<b>5</b>
<b>Disciplinary Action</b>	<b>5</b>
<b>Immediate Suspension</b>	<b>6</b>
<b>Appeal of Panel's Decision</b>	<b>6</b>
<b>General</b>	<b>7</b>

## **1. Introduction**

- 1.1. The AMHA is committed to providing an environment free from abuse and harassment. This policy applies to all persons involved with activities of the AMHA including players, parents, volunteers, team officials, referees, employees, directors, committee members or any other representative of the Association.

## **2. Definitions**

- 2.1. For the purposes of this policy, harassment and abuse are related concepts. They are defined as encompassing conduct which is insulting, intimidating, humiliating, offensive or physically harmful. Some examples of behaviour that constitute harassment or abuse include, but are not limited to:
  - 2.1.1. Inappropriate jokes, innuendo or teasing about a person's appearance, attire, age, race, religion, sex or sexual orientation;
  - 2.1.2. Condescending, patronizing, threatening or punishing actions which undermine self-esteem or diminish performance;
  - 2.1.3. Practical jokes which cause awkwardness or embarrassment, endanger a person's safety or negatively affect performance;
  - 2.1.4. Unwanted or unnecessary physical contact including touching, patting or pinching;
  - 2.1.5. Any form of flirtation or sexual advances;
  - 2.1.6. Any form of hazing;
  - 2.1.7. Any form of physical assault;
  - 2.1.8. Behaviours such as those described above which, while they may not be directed towards individuals or groups, have the effect of creating a negative or hostile environment.
- 2.2. In this policy, "Harassment Officer" refers to the person or persons who are handling Abuse and Harassment as set out by the Board of Directors.

## **3. Legal Context**

- 3.1. The most serious forms of abuse are subject to criminal sanction under the Criminal Code of Canada. Normally offences under this Act are reported to, and investigated by the police.
- 3.2. In British Columbia, minors (that is, persons under the age of nineteen years) who are "in need of protection" from a parent/guardian are the subject of the provisions of the Child, Family and Community Services Act. Normally an incident involving a minor which is thought to fall under this act are reported to, and investigated by, a representative of the Ministry of Children and Families.

- 3.3. Some forms of discriminatory behaviour may be the subject of an investigation under the Human Rights Code of British Columbia and some forms of harm, such as injury resulting from negligence, may be dealt with under the civil law.
- 3.4. However, the majority of instances in which harassment or abuse are thought to have occurred will be dealt with at the AMHA level, within the framework of this Harassment and abuse Policy.
- 3.5. If a coach or any AMHA official has any doubt as to whether a matter falls within either of the above provisions, they may contact the Harassment Officer.

#### **4. Incidents of Abuse**

- 4.1. When any person has a reasonable belief that a minor is being abused or is otherwise in need of protection, he/she shall report this belief to the appropriate authority (the police or representative of the Ministry of Children and Families) and he/she shall advise the Harassment Officer that he/she has so reported.
- 4.2. The AMHA shall take no further action until such time as the authority has completed its investigation, unless at the request of and in consultation with such authority.
- 4.3. The matter shall then be dealt with as a disciplinary matter pursuant to this policy and the report of the investigation carried out by the authority may be used as evidence in these proceedings.

#### **5. Informal Resolution of Harassment Complaint**

- 5.1. A person who has experienced harassment, any person who witnesses harassment, or any person who believes that harassment has occurred is encouraged to make it known that the behaviour is contrary to the policy.
- 5.2. A Team Official who becomes aware of harassment may attempt to investigate and resolve the matter through meetings with those involved and any witnesses to determine what happened and explore possible resolutions. A Team Official may contact the Harassment Officer for guidance and advice on how to best accomplish this goal informally.
- 5.3. If confronting the harasser is not feasible, or if after confronting the harasser the behaviour continues, the person who has experienced the harassment, has witnessed the harassment, or who believes that harassment has occurred should report the matter to the Harassment officer.
- 5.4. Once an incident has been reported, the role of the Harassment Officer is to receive the report of the incident, advise the parents/guardians of the incident (if the person who has experienced the harassment is a minor), and assist in the informal resolution of the complaint, where this is appropriate. At this stage the Harassment Officer acts as a neutral mediator.

## **6. Formal Resolution of Harassment Complaint**

- 6.1. If informal resolution of the harassment complaint is not appropriate or possible, and if the person who has experienced the harassment, has witnessed the harassment, or who believes the harassment has occurred decides to pursue a formal complaint, the Harassment Officer shall receive the complaint to provide a copy to the President and/or Executive Director.
- 6.2. Once the complaint has been provided to the President, the Harassment Officer shall then gather the facts surrounding the incident by interviewing the complainant, the person against whom the complaint was made (respondent), and any other person(s) with personal knowledge of the situation.
- 6.3. In addition to providing information to the Harassment Officer, the respondent may make a written submission and may refer the Harassment Officer to the other persons who may have relevant knowledge.
- 6.4. The results of the fact gathering shall be summarized by the Harassment Officer in a written report and this report shall be provided to the complainant, the respondent, and the President and/or Executive Director.

## **7. Reviewing the Report on the Complainant**

- 7.1. Within not more than seven (7) days of receiving the report, the Executive Committee shall decide if the complaint shall be dealt with informally in which case the President shall direct the appropriate response and the matter shall be treated as concluded.
- 7.2. In the event the Executive Committee determines that a complaint should be dealt with formally, the President and/or Executive Director shall appoint a three (3) persons to serve as a tribunal (Panel) to hear the complaint.
- 7.3. Having regard to the nature and seriousness of the complaint, the Executive Committee shall decide which of the following procedures shall be used by the Panel to deal with the complaint.
  - 7.3.1. The panel shall review the statement so the complainant, and the respondent and the report of the Harassment Officer and shall then render a decision.
  - 7.3.2. The President and/or Executive Director shall retain an outside investigator who shall conduct a formal investigation into the incident and shall provide a written report to the Panel. The Panel shall consider this report as well as the statements of the complainant and respondent and the report of the Harassment Officer and shall render a decision.
  - 7.3.3. The President and/or Executive Director shall retain an outside investigator who shall conduct a formal investigation of the incident and shall provide a written report to the Panel. The Panel shall then convene a

- hearing and review the report with the complainant and respondent present, permitting the complainant and respondent to ask questions of one another. Following the hearing the Panel shall render a decision.
- 7.3.4. The Panel shall convene a hearing involving the complainant, respondent and witnesses. The parties and the witnesses shall have an opportunity to present evidence and to cross-examine one another and the witnesses. Following the hearing the Panel shall render a decision.
- 7.4. In the event there is a hearing, the Panel shall adopt such procedures as it may decide.
- 7.5. If at any point in the proceedings the complainant becomes reluctant to continue, the Executive Committee shall decide whether or not to continue the review of the complaint in accordance with this policy.
- 7.6. The written decision of the Panel shall be delivered to the complainant, the respondent, and the President and/or Executive Director. The decision shall contain:
- 7.6.1. A summary of all relevant facts;
  - 7.6.2. A determination as to whether the behaviour complained of constituted harassment under this policy;
  - 7.6.3. If the acts constituted harassment, the recommended disciplinary action to be taken;
  - 7.6.4. Recommended measures, where appropriate, to remedy or mitigate the loss or harm caused by the harassment;
  - 7.6.5. General recommendations, where appropriate, to make less likely the occurrence of similar harassing behaviour in the future.
- 7.7. The Executive Committee shall take the report and further recommendation to the Board of Directors for final decision on the disciplinary action to be taken, but unless it has compelling reasons to do so, it should not vary the action recommended by the Panel.

## **8. Procedure in the event of Abuse**

- 8.1. In the event of an allegation of abuse which does not warrant a report to the police or a representative of the Ministry of Children and Families, or in which the involvement of these outside agencies has been concluded, the procedure to be followed by the AMHA is the same as that set out, above for harassment complaint.

## **9. Disciplinary Action**

- 9.1. The appropriate disciplinary action in the event that harassment or abuse is found to have occurred should take into consideration aggravating or mitigating circumstances. These may include:

- 9.1.1. The nature and severity of the harassment or abuse;
- 9.1.2. Whether the harassment or abuse involved any physical contact, and in particular whether the contact was sexual in nature;
- 9.1.3. Whether the harassment or abuse was an isolated incident or part of an ongoing pattern of behaviour;
- 9.1.4. The nature of the relationship between the complainant and respondent, and in particular, whether there was a marked difference in the power and authority between the two;
- 9.1.5. Whether the respondent had been involved in previous harassment incidents;
- 9.1.6. Whether the respondent admitted responsibility and expressed a willingness to change;
- 9.1.7. Whether the respondent retaliated against the complaint.
- 9.2. In recommending disciplinary action, the Panel may consider the following options, singularly or in combination:
  - 9.2.1. Verbal apology
  - 9.2.2. Written apology
  - 9.2.3. Letter of Reprimand from the AMHA
  - 9.2.4. Recommendation to counselling
  - 9.2.5. Suspension or removal of privileges
  - 9.2.6. Suspension or removal from office or position
  - 9.2.7. Expulsion from the membership
  - 9.2.8. Publication of the details of the disciplinary action
  - 9.2.9. Such other appropriate actions as the Panel deems appropriate
- 9.3. In recommending a disciplinary action, the Panel should endeavor to select a penalty commensurate with the penalty handed down in similar circumstances, if any.

## **10. Immediate Suspension**

- 10.1. If the Executive Committee is of the opinion that the alleged harassment or abuse is sufficiently serious, it may suspend the respondent from the AMHA pending the conclusion of the review of the complaint.

## **11. Appeal of Panel's Decision**

- 11.1. Both the complainant and respondent have the right to appeal the decision of the Panel by filing with the President and/or Executive Director a written notice of appeal setting out with full particulars and argument the grounds of appeal. The permissible grounds of appeal are as follows:
  - 11.1.1. The Panel did not follow the procedures set out in this policy;

- 11.1.2. Members of the Panel were biased or were influenced by irrelevant considerations;
- 11.1.3. The panel reached a decision which could not be supported by the evidence or which was otherwise unreasonable.
- 11.2. The notice of appeal must be delivered the President and/or Executive Director not later than ten (10) days (including holidays) following receipt by the person appealing the Panel's decision.
- 11.3. The appeal shall be heard by the Executive Committee who shall base its decision on a review of the documentation surrounding the complaint, including the statements of the complainant and the respondent, the report of the Official, the report of the outside investigator, or any, the decision of the Panel and the notice of appeal.
- 11.4. In deciding the appeal, the Executive Committee shall have the authority to uphold or reverse the decision of the Panel and/or to modify any of the Panel's recommendations.
- 11.5. The decision of the Executive Committee shall be final and binding.

## **12. General**

- 12.1. In extraordinary circumstances, and in its sole discretion, the Executive Committee may abridge or extend the timelines of this policy.
- 12.2. The AMHA recognizes the potentially sensitive and serious nature of harassment and abuse complaints and will strive to keep matter relating to a complaint confidential. However, if required by law to disclose information, the AMHA will do so. It is also the policy of the AMHA to allow publication of the decision by the Panel where the acts complained constitute harassment or abuse and such finding is upheld on appeal, if any.
- 12.3. Any complainant who uses this policy in a false and/or vindictive manner for personal gain will be subject to further discipline under the AMHA disciplinary policy.
- 12.4. Any complainant who withdraws their complaint, will be considered using the policy in a false and/or vindictive manner.