

Ottawa and District  
Hockey Association

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ABUSE and HARASSMENT

*Policies and Procedures*

Bylaw 11

“the principle of respect for participants challenges all of us, who are in positions of power, authority or trust, to act in a manner respectful of the dignity of those participants to whom we are entrusted”

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Effective November 2003  
Revised as of August 27<sup>th</sup>, 2004

# ODHA Abuse & Harassment Policy

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## **ABUSE & HARASSMENT POLICIES & PROCEDURES**

### **1. POLICY DIRECTION**

1.1 As the governing body of amateur hockey within our community, the Ottawa and District Hockey Association (ODHA), is obligated to provide an environment whereby all individuals are treated with respect. The Ottawa and District Hockey Association's (ODHA), membership consists of all members and participants of the Ottawa District Minor Hockey Association (ODMHA), the three Junior Leagues; CJHL 'A', EOJBHL 'B' and EOJCHL 'C', any Senior teams within our jurisdiction, along with both the ODHA and ODMHA Referee's Associations. For the remainder of this policy, the aforementioned will be referred to as the "Branch".

### **2. CONDUCT MANAGEMENT**

2.1 Members shall conduct themselves in a fair and responsible manner and are to refrain from comments or behaviours which are disrespectful, offensive, abusive, racist or sexist. Protecting participants from all forms of abuse and harassment, whether emotional, physical, neglectful, sexual or of the bullying type is an important element of safety. This Branch considers any form of abuse or harassment to be unacceptable and will do all it can to prevent this intolerable social problem. Being committed to the highest possible standards of care, this Branch will not tolerate any form of abuse or harassment towards any participant within its jurisdiction. The Branch expects every executive member, team or game official, volunteer, parent and player/participant to take all reasonable steps to safeguard the welfare of its participants and protect them from any form of maltreatment.

2.2 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; substance or chemical abuse; or other violations, 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-conductive to the well being of the game of hockey.

### **3. INSTRUCTION TO MEMBERSHIP**

3.1 This policy identifies the standard of behaviour, which is expected of all Branch members, including, but not limited to players, officers, board of directors, conveners, committee members, coaches, assistant coaches, trainers, managers and any other team officials, on or off-ice game officials, executive directors, administrators, employees/staff, (paid or unpaid), and any other recognized volunteers. It also applies to any individual who, although not directly employed by, nor a registered member of a team within, nor a volunteer for any association of this Branch, 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 or spectators.

3.2 Although this policy is not intended to replace any specific Association's, District's and/or League's existing Code of Conduct, it should to be utilized as a "guiding" resource in the decision making process. This Policy however, will be the deciding resource when dealing with any incident reported to and subsequently dealt with at the ODHA level; including any investigation, hearing and/or appeal.

3.3 In keeping with the objective of providing a wholesome hockey experience for players, team officials and their communities, the following outlines issues of conduct and behavioural practices. Failure to comply with these standards may result in disciplinary action. Such action may constitute a loss of one's privileges, participation or membership.

3.4 Notwithstanding anything contained herein, the appropriate level of hockey, i.e., ODMHA, Junior or Officiating, with justification, shall reserve the right, at all times, to have any matter pertaining to abuse or harassment, transferred to it for resolution.

3.5 Notwithstanding this policy, every person who experiences harassment continues to have the right to seek assistance from their provincial, territorial or state human rights commission, even when steps are being taken under this policy.

#### **4. APPLICATION OF SCOPE**

4.1 Members, shall at all times adhere to their level of hockey's operational policies and procedures, to rules governing all sanctioned events and activities, and to rules governing any competition in which a member participates on behalf of this Branch. This policy applies to unacceptable conduct and behaviour, which 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 Branch has adopted these procedures for dealing with unacceptable conduct within its jurisdiction, and will apply these policies specifically to the volunteers, staff and participants of the programs directly controlled by it.

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

#### **5. CORE PRINCIPLES**

5.1 **Values** – This Branch is committed to providing a comfortable, sports and working environment based on the fundamental values of equality, trust and mutual respect that will ultimately lead to the positive social and physical development of all our participants.

**5.2 Conduct** – This 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, neglect and harassment from all elements of our game.

**5.3 Awareness, Education and Procedures** – This 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 Canadian Hockey’s “Speak Out” Program. It will put in place procedures for receiving complaints and acting upon incidents of unacceptable conduct.

## **6. STANDARD OF BEHAVIOUR:**

6.1 This policy, in conjunction with Hockey Canada’s guidelines on Abuse and Harassment, shall be used in governing matters of abuse and harassment within this Branch, including any member’s behaviour deemed to be detrimental to the proper conduct of hockey. It is expected that every member 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.

6.2 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.

6.3 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., ODMHA, Junior or Officiating will investigate and take action that may include reassignment, request for resignation or dismissal from employment.

## **7. ABUSE & NEGLECT**

7.1 **Abuse** is defined as 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. 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.

**7.1.1 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 a child’s needs.

**7.1.2 Physical Abuse**

Physical abuse is 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, shoving, grabbing, assaulting, burning, poisoning, hazing or using excessive exercise as a form of punishment.

**7.1.3 Sexual Abuse**

Sexual Abuse is when a young person is used by an older child, adolescent or adult, for his/her own sexual stimulation or gratification. There are two categories:

<b>Contact</b>	<b>Non-Contact</b>
~ touched or fondled in sexual areas	~ obscene remarks on phone/computer or in notes/letters
~ forced to touch another person’s sexual areas	~ voyeurism
~ kissed or held in a sexual manner	~ shown pornography
~ forced to perform oral sex	~ forced to watch sexual acts
~ vaginal or anal intercourse	~ sexually intrusive questions or comments
~ vaginal or anal penetration with an object or finger	~ forced to pose for sexual photographs or videos
~ sexually oriented hazing	~ forced to self-masturbate or forced to watch others masturbate

**7.1.4 Neglect**

It 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.

**8. HARASSMENT**

8.1 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 adult in a subordinate position (eg. 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.

**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.
- ~ any form of hazing.

**9. BULLYING**

9.1 Bullying is a unique phenomenon. It describes behaviours between children under the age of twelve which are reflective of harassment, intimidation and discrimination. It can also describe behaviours between youth and between adults which are cruel, demeaning and hostile but are not addressed under human rights legislation or criminal codes. Note: On-ice issues should be dealt with within the confines of the game, while off-ice issues, i.e., spectator/parental concerns are to be dealt with by the appropriate level of hockey, i.e., ODMHA, Junior or Officiating.

**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.

**10. ABUSE AND HARASSMENT – DIFFERENCES AND SIMILARITIES**

	<b>ABUSE</b>	<b>HARASSMENT</b>
<b>Types</b>	emotional, physical, sexual, neglect	emotional, physical, sexual; may be motivated by racial or other forms of prejudice
<b>Victim</b>	any person under age of majority as determined by Ontario Provincial Child Protection Acts; may be male or female	person of any age; may be male or female
<b>Offender</b>	any person who has power/authority over victim and/or breeches trust; may be male or female	may be peer or person with power or authority over adult victim; may be male or female
<b>Investigation</b>	external to organization; referred to Child Protection Services and/or Police	internal unless referred to Police in cases of suspected physical or sexual assault or criminal harassment/stalking
<b>Follow-up</b>	determined by Provincial Child Protection Act and Criminal Code; civil suits may also occur	determined by organization’s policies, Criminal Code, Civil Action and/or Provincial Human Rights
<b>Philosophy</b>	the victim is not to blame; offenders are responsible for their behaviour	victim is not to blame; offenders are responsible for their behaviour

**11. PROCESS AND PROCEDURES**

**11.1 Confidentiality and Neutrality**

11.1.1 This 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.

11.1.2 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.

**11.2 Reporting of Complaint/Disclosure**

11.2.1 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., ODMHA, Junior or Officiating, who in turn will contact the ODHA. The Ottawa and District Hockey Association, 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

11.2.2 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., ODMHA, 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.

11.2.3 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.

11.2.4 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.

11.2.5 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).

11.2.6 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., ODMHA, 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., ODMHA or Junior to be addressed in accordance with their procedures.

11.2.7 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., ODMHA, 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.

10.2.8 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.

### **11.3 Investigation and Intervention Process**

11.3.1 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 individual's 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 then contact your level of hockey, i.e., ODMHA or Junior, who in turn will notify the Branch.

11.3.2 The following will be the recommended course of action for each Council, Junior Hockey League and Team, ODMHA, 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 the ODHA at any time for support and guidance.

**11.3.2.1 *Minor Participant/Member including off-ice officials***

- see ODMHA Procedures

**11.3.2.2 *Junior Participant/Member including off-ice officials***

- see Junior Procedures

**10.3.2.3 *Senior Participant/Member including off-ice officials***

- see Senior Procedures

**11.3.2.3 *ODMHA On-Ice Official***

- see ODMHA Officiating Procedures

**11.3.2.4 *Junior On-Ice Official***

- see ODHA Officiating Procedures

11.3.3 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.

11.3.4 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.

11.3.5 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.

11.3.6 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., ODMHA , Junior or Officiating and follow their instructions. The ODMHA or Junior may contact the ODHA for support at any time.

11.3.7 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., ODMHA, 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:

11.3.7.1 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;

11.3.7.2 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

11.3.7.3 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., ODMHA, Junior, Senior or Officiating, may request guidance from the ODHA.

11.3.8 If the complaint is deemed major in nature, but does not warrant intervention from external authorities, the complainant’s level of hockey i.e., ODMHA, 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 ODMHA, 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.

11.3.9 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., ODMHA, Junior or Officiating. Upon receipt of the investigator's written report, it shall be determined whether:

11.3.9.1 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

11.3.9.2 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

11.3.9.3 The complaint has merit and shall proceed to a hearing.

#### **11.4 Hearing**

11.4.1 If it is determined that the ODMHA, Junior or Officiating opt to refer the matter directly to the ODHA, a hearing is required, a committee will be formed to act as a panel. The A&H Officer shall chair the proceeding, along with 7 appointed individuals; 3 selected by the A&H Officer, and 4 (one each) as appointed by Minor Council, Junior Council, Senior Council and the Referee's Association respectively. All appointed individuals must be well versed in aspects of harassment and abuse, endorsed by the ODHA Board of Directors and declare no conflicts of interest.

11.4.2 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:

11.4.2.1 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;

11.4.2.2 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.

**11.4.2.3 The Panel shall govern the hearing by such procedures as it decides provided:**

- ~ 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;
- ~ 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.

11.4.3 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.

**11.5 Disposition, Discipline and Consequences**

11.5.1 After reviewing the matter and all relevant information, the Panel shall render its decision and present its findings in a written confidential report to the ODHA President or designate, the ODMHA President or designate, the ODMHA Director of Risk and Safety, and to any other authorized officials at the appropriate level of hockey, and the ODHA's Legal Counsel, with a copy 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.

11.5.2. 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

11.5.3 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., Speak Out
- ~ 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)

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

## **11.6 Appeal Procedures**

The ODHA Appeals Committee is structured to review and render decisions on appeals, submitted by members of the Branch in regards to decisions made by hockey councils, within its jurisdiction. Members appealing such decisions must be aware that the ODHA 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. Rather, the Appeals Committee will only review a decision or hear an appeal under one or more of the following conditions:

- a) new relevant evidence that was not available to those persons who made the decision that is being appealed.
- b) an appeal may be filed on the grounds of irregularities in the original hearing's proceedings that may have caused an unjust decision.
- c) an appeal may be filed on the grounds that the decision of the original hearing was too severe.

- d) an appeal may be filed on the grounds that there is evidence to establish that the decision of the original hearing was reached in an unjust manner.

Each officially convened ODHA Appeals Committee will, for the purpose of the hearing, have a triad as its official participants. They will be: the appellant or designate, i.e., parent; the designated spokesperson for the Council or Committee whose decision is being appealed; and the members of the Appeals Committee. All other persons who are present will not be deemed to have official standing and may speak only with the permission of the Chairperson.

At each hearing, the Chairperson will endeavour to have business conducted in the following sequence:

1. Call to order
2. Introduction of Committee Members
3. Introduction of Designated Spokespersons
4. Appellant's presentation
5. Presentation on behalf of the Council or Committee whose decision is being appealed.
6. Committee members questions to the presenters.
7. Rebuttal opportunities for the presenters, followed by summary statements.
8. Adjournment, followed by the private discussions require for the Committee members to render a decision.

All appeals must be submitted within 96 hours of official notification in writing to the ODHA accompanied by the appeal fee of \$200.00. When the appeals Committee's decision is to uphold the appeal, then one-half (\$100.00) of the appeal fee will be returned. If the Committee's decision is to reject the appeal, then the full appeal fee will be retained by the ODHA.

For matters related to abuse and harassment, the appealing party agrees that the decision of the ODHA Appeals Committee shall be a final and binding determination of the matter before this Branch. Decisions of the ODHA Appeals Committee may be appealed to Hockey Canada.