
**Policies & Procedures
of the
Vancouver Thunderbird
Minor Hockey Association**

P-16

HARASSMENT AND ABUSE POLICY

Date Revised:	June 2010	Revision No.:	3
---------------	-----------	---------------	---

Table of Contents

1. Introduction 1

2. Definitions..... 1

3. Legal Context 1

4. Incidents of Abuse 2

5. Informal Resolution of Harassment Complaint 2

6. Formal Investigation of Harassment Complaint 3

7. Reviewing the Report on the Complaint 3

8. Procedure in the Event of Abuse..... 4

9. Disciplinary Action 5

10. Immediate Suspension..... 6

11. Appeal of Panel’s Decision 6

12. General..... 6

1. Introduction

1.1. The VTMHA is committed to providing an environment in which players and other participants in activities of the VTMHA is free of harassment and abuse. This policy applies to all persons participating in activities of the VTMHA including players, parents, volunteers, coaches and other team officials, referees, employees and the directors, officer, committee members and other representatives of the VTMHA.

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. Examples of behavior which constitute harassment or abuse include, but are not limited to:

- Unwelcome jokes, innuendo or teasing about a person's appearance, attire, age, race, religion, sex or sexual orientation;
- Condescending, patronizing, threatening or punishing actions which undermine self-esteem or diminish performance;
- Practical jokes which cause awkwardness or embarrassment, endanger a person's safety or negatively affect performance;
- Unwanted or unnecessary physical contact including touching, patting or pinching;
- Unwelcome flirtation or sexual advances;
- Any form of hazing;
- Any form of physical assault;
- 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, "Officer" shall refer to the Risk Manager of the VTMHA or such other person as the President of the VTMHA may from time to time appoint to deal with a particular complaint.

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" are the subject of the provisions of the *Child, Family and Community Service 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 behavior 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 VTMHA level, within the framework of this Harassment and Abuse Policy.
- 3.5. If a coach or any VTMHA official has any doubt as to whether a matter falls within either of the above provisions, they may contact the Officer for guidance.

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 a representative of the Ministry of Children and Families) and he shall advise the Officer (or some other senior officer of the VTMHA) that he / she has so reported.
- 4.2. The VTMHA 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 behavior is contrary to this 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 Officer for guidance and advice on how best to accomplish this goal informally.
- 5.3. If confronting the harasser is not feasible, or if after confronting the harasser the behavior 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 Officer (or some other senior officer of the VTMHA, including but not limited to the responsible Vice President or the President).

- 5.4. Once an incident has been reported, the role of the Officer is to receive the report of the incident, advise the parents or 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 Officer acts as a neutral mediator.

6. Formal Investigation 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 that harassment has occurred decides to pursue a formal complaint, the Officer shall receive the complaint and provide a copy to the President.
- 6.2. Once the complaint has been provided to the President, the Officer shall then gather the facts surrounding the incident by interviewing the complainant, the person against whom the complaint was made (the “respondent”), and any other person with personal knowledge of relevant facts.
- 6.3. In addition to providing information to the Officer, the respondent may make a written submission and may refer the Officer to other persons who may have relevant knowledge.
- 6.4. The results of the fact gathering shall be summarized by the Officer in a written report and this report shall be provided to the complainant, the respondent and the President.

7. Reviewing the Report on the Complaint

- 7.1. Within not more than seven days of receiving the report, the Executive (that is, for purposes of this policy, the President and the Vice-Presidents) 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 determines that a complaint should be dealt with formally, the President shall appoint three persons to serve as a tribunal (the “Panel”) to hear the complaint.
- 7.3. Having regard to the nature and seriousness of the complaint, the Executive shall decide which of the following procedures shall be used by the Panel to deal with the complaint:
- The Panel shall review the statements of the complainant and respondent and the report of the Officer and shall then render a decision;
 - The President 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 consider this report as well as the statements of the complainant and respondent and the report of the Officer and shall then render a decision.

- The President 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.
- 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 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. The decision shall contain:

- A summary of the relevant facts
- A determination as to whether the behavior complained of constituted harassment under this policy
- If the acts constituted harassment, the recommended disciplinary action to be taken
- Recommended measures, where appropriate, to remedy or mitigate the loss or harm caused by the harassment
- General recommendations, where appropriate, to make less likely the occurrence of similar harassing behavior in the future.

7.7. The Executive shall make the 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 VTMHA is the same as that set out, above, for a 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 include:

- The nature and severity of the harassment or abuse
- Whether the harassment or abuse involved any physical contact and, in particular, whether the contact was sexual in nature
- Whether the harassment or abuse was an isolated incident or part of an ongoing pattern of behavior
- The nature of the relationship between the complainant and respondent and, in particular, whether there was a marked difference in power and authority between them
- The age of the complainant and, a related concern, the difference in age between the complainant and respondent
- Whether the respondent had been involved in previous harassment incidents
- Whether the respondent admitted responsibility and expressed a willingness to change
- Whether the respondent retaliated against the complainant

9.2. In recommending disciplinary action, the Panel may consider the following options, singly or in combination:

- Verbal apology
- Written apology
- Letter of reprimand from the VTMHA
- Referral to counseling
- Suspension or removal of privileges
- Suspension or removal from office or position
- Expulsion from membership
- Publication of the details of the disciplinary action
- Such other actions as the Panel deems appropriate.

9.3. In recommending a disciplinary action, the Panel should endeavour to select a penalty commensurate with the penalty handed down in similar circumstances, if any.

10. Immediate Suspension

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

11. Appeal of Panel's Decision

- 11.1. Both the complainant and the respondent have the right to appeal the decision of the Panel by filing with the President a written notice of appeal setting out with full particulars and argument the grounds of appeal. The permissible grounds of appeal are as follows:

- The Panel did not follow the procedures set out in this policy
- Members of the Panel were biased or were influenced by irrelevant considerations
- 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 to the President not later than ten days (including holidays) following receipt by the person appealing of the Panel's decision.

- 11.3. The appeal shall be heard by the Executive 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, if any, the decision of the Panel and the notice of appeal.

- 11.4. In deciding the appeal, the Executive 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 shall be final and binding.

12. General

- 12.1. In extraordinary circumstances, and in its sole discretion, the Executive may abridge or extend the timelines in this policy.

- 12.2. The VTMHA recognizes the potentially sensitive and serious nature of harassment and abuse complaints and will strive to keep matters relating to a complainant confidential. However, if required by law to disclose information, the VTMHA will do so. It is also the policy of the VTMHA to allow the publication of the decision of the Panel where the acts complained of constitute harassment or abuse and such finding is upheld on appeal, if any.