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**Policies & Procedures**

**of the**

**Vancouver Thunderbird**

**Minor Hockey Association**

***P-16***

**RECOGNITION AND PREVENTION OF BULLYING,**

**HARASSMENT AND ABUSE POLICY**

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## **P-16: Recognition and Prevention of Bullying, Harassment and Abuse Policy**

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### **Table of Contents**

1.	Statement of Purpose.....	1
2.	Policy .....	1
3.	Abuse .....	2
4.	Duty to Report Abuse.....	3
5.	Harassment.....	4
6.	Bullying.....	4
7.	Response and Remedies .....	5
8.	Complainant/Respondent .....	6
9.	Isolated Instances of Harassment/Bullying .....	6
10.	Reporting Harassment/Bullying .....	6
11.	Immediate, Interim Discipline.....	7
12.	Receiving a Complaint.....	7
13.	Formal Complaint .....	7
14.	Panel Review.....	8
15.	Appeal of Panel's Decision.....	9
16.	Record Keeping and Confidentiality .....	10
17.	Disciplinary Action .....	11

**1. Statement of Purpose**

- 1.1 This Policy sets out the principles and practices of Vancouver Thunderbirds Hockey regarding bullying, harassment and abuse and applies to all Vancouver Thunderbirds Hockey directors, officers, employees, volunteers, players and members.
- 1.2 Vancouver Thunderbirds Hockey supports the right of all its members, whether athletes, volunteers or staff, to participate in all Vancouver Thunderbirds Hockey activities free from any form of harassment, bullying and abuse. This policy applies to abuse, harassment and bullying that may occur during the course of all Vancouver Thunderbirds Hockey business, activities and events and to all persons participating in such business, activities and events including players, parents, volunteers, coaches and other team officials, referees, employees and the directors, officer, committee members and other representatives of Vancouver Thunderbirds Hockey.
- 1.3 Harassment is a form of discrimination which is prohibited by human rights legislation in Canada. Bullying involves a person expressing their power through the humiliation of another person. Bullying may be a form of harassment but also has some of its own defining characteristics. Some behaviours which are defined as harassment or bullying, when the behaviour breaches human rights or appropriate relationship/conduct boundaries, can also constitute abuse, when a child or youth's protection is at risk. This policy addresses the entire spectrum of abusive, bullying and harassing behaviours and recognizes that, bullying, harassment and abuse are related concepts.
- 1.4 The sport setting is one setting in which bullying occurs. In some cases, coaches and players unfortunately use bullying tactics deliberately to motivate performance and to weaken opponents, which is a practice that is important to eliminate as a key element in ensuring the safety of our young participants. A sports environment which actively discourages harassment and bullying and builds relationships based on trust and mutual respect, is an environment which discourages the abuse of children and youth, and encourages the overall development of the individual.
- 1.5 In order to further these objectives, Vancouver Thunderbirds Hockey will make every reasonable effort to respond quickly and effectively to complaints or disclosures of abuse, harassment or bullying.
- 1.6 In this policy, "**Officer**" shall refer to the President of Vancouver Thunderbirds Hockey or such other person as the President of Vancouver Thunderbirds Hockey may from time to time appoint; and "**Executive**" shall refer to the President of Vancouver Thunderbirds Hockey and the Vice-Presidents.
- 1.7 If any member has any doubt as to whether a matter falls within this policy, they may contact the Officer for guidance.
- 1.8 In extraordinary circumstances, and in its sole discretion, the Executive may abridge or extend the timelines in this policy.

**2. Policy**

It is the policy of Vancouver Thunderbirds Hockey that:

- 2.1 there shall be no abuse and neglect, whether physical, emotional or sexual of any participant in any of its programs. Vancouver Thunderbirds Hockey expects every parent, volunteer and staff member to take all reasonable steps to safeguard the welfare of its participants and protect them from any form of maltreatment; and
- 2.2 harassment and bullying in all its forms will not be tolerated during the course of or in connection with any Vancouver Thunderbirds Hockey activity or program.

Accordingly, all Vancouver Thunderbirds Hockey personnel (staff, volunteers, team or on-ice officials), parents and guardians are responsible for making every reasonable effort to uphold this policy. Specifically, this includes refraining from abusive, harassing or bullying behaviour, responding promptly and informally to minor incidents of harassment or bullying and following local or national policy guidelines for reporting or responding to more serious complaints of harassment or bullying. Players and other participants are expected to refrain from abusive, harassing or bullying behaviour and are encouraged to report incidents of abuse, harassment or bullying.

### **3. Abuse**

- 3.1 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. In British Columbia, a person is considered a child up to the age of 19 years.
- 3.2 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.
- 3.3 Physical abuse is when a person in a position of power or trust purposefully injures or threatens to injure a child or youth. 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.
- 3.4 Neglect is 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. 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.
- 3.5 Sexual abuse is when a young person is used by an older child, adolescent or adult for his or 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

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 and comments
vaginal or anal penetration with an object or finger	forced to pose for sexual photographs, videos or webcams
sexually oriented hazing	forced to self-masturbate or forced to watch others masturbate

#### **4. Duty To Report Abuse**

- 4.1 Persons working closely with children and youth have a special awareness of abusive situations, and therefore these people have a particular reporting responsibility to ensure the safety of our children and youth, by knowing the provincial protection laws and following through as required.
- 4.2 British Columbia has mandatory reporting laws regarding the abuse and neglect of children and youth. Consequently, it is the policy of Vancouver Thunderbirds Hockey that any Vancouver Thunderbirds Hockey personnel (part-time and full-time staff, volunteer, participant, team official, on ice official), Vancouver Thunderbirds Hockey parent or guardian, or any member of a Panel appointed under Section 14 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, and he/she shall promptly advise the Officer (or some other senior officer of Vancouver Thunderbirds Hockey) that he/she has so reported.
- 4.3 If a participant is in immediate danger, call police (call 9-1-1 or your local police) to intervene and a child protection social worker should be contacted to determine whether the child is in need of protection. If you think a child or youth under 19 years of age is being abused or neglected, you have the legal duty to report your concern to a child welfare worker (insert hyperlink: <http://www2.gov.bc.ca/gov/content/safety/public-safety/protecting-children/reporting-child-abuse>).
- 4.4 Those involved with Vancouver Thunderbirds Hockey 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 provincial child protection acts.

**5. Harassment**

5.1 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, and 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 the grounds prohibited in human rights legislation, such as race, ethnicity, colour, religion, age, sex, marital status, family status, disability, pardoned conviction and sexual orientation. Harassment may occur among anyone between peers (eg: 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).

5.2 The following is a non-exhaustive list of examples of harassment:

- (a) unwelcome jokes, innuendo or teasing about a person's sex, body, looks, attire, race, sexual orientation or religion
- (b) condescending, patronizing, threatening or punishing actions which undermine self-esteem or diminish performance
- (c) practical jokes which cause awkwardness or embarrassment, or may endanger a person's safety or negatively affect performance
- (d) any form of hazing
- (e) unwanted or unnecessary physical contact including touching, patting, pinching
- (f) unwanted conduct, comments, gestures or invitations of a sexual nature which are likely to cause offence or humiliation, or which might on reasonable grounds be perceived as placing a condition of a sexual nature on employment or on any opportunity for training or advancement
- (g) sexual assault or physical assault
- (h) It is important to note that the behaviours described in items (e) to (g), when directed towards a child or youth, constitute abuse under child protection legislation. This may also be true of other behaviours, for example, certain hazing practices. In such cases, the duty to report provisions of this policy are applicable.

**6. Bullying**

6.1 Bullying involves a person expressing their power through the humiliation of another person. Bullying occurs between people at any age and is not addressed under human rights legislation. It is inappropriate behaviours that are typically cruel, demeaning and hostile toward the bullying targets.

- 6.2 Bullies are typically cruel, demeaning and hostile towards the targets of their bullying. The actual issue of bullying is not addressed by the law, except when the behaviour does become a criminal issue - e.g. extortion, physical assault etc.
- 6.3 Bullying can be broken down into four types; physical (hit or kick victims; take/damage personal property), verbal (name calling; insults; constant teasing), relational (try to cut off victims from social connection by convincing peers to exclude or reject a certain person), and cyber bullying.
- 6.4 The following is a non exhaustive list of tactics used by bullies to control their targets:
  - (a) unwarranted yelling and screaming directed at the target
  - (b) continually criticizing the target's abilities
  - (c) blaming the target of the bullying for mistakes
  - (d) making unreasonable demands related to performance
  - (e) repeated insults or put downs of the target
  - (f) repeated threats to remove or restrict opportunities or privileges
  - (g) denying or discounting the targets accomplishments
  - (h) threats of and actual physical violence

## **7. Response and Remedies**

- 7.1 It is the position of Vancouver Thunderbirds Hockey that harassment and bullying cannot and should not be tolerated in any environment, including hockey. Both harassment and bullying are unacceptable and harmful. Vancouver Thunderbirds Hockey recognizes the serious negative impact of all types of harassment and bullying on personal dignity, individual and group development and performance, enjoyment of the game and in some cases, personal safety.
- 7.2 At the same time, Vancouver Thunderbirds Hockey recognizes that not all incidents of harassment and bullying are equally serious in their consequences. Both harassment and bullying cover a wide spectrum of behaviours, and the response to both must be equally broad in range, appropriate to the behaviour in question and capable of providing a constructive remedy. There must be no summary justice or hasty punishment. The process of investigation and settlement of any complaint of harassment or bullying must be fair to all parties, allowing adequate opportunity for the presentation of a response to the allegations, and is founded on the fundamental principle of the presumption of innocence of the Respondent, whereby the burden of proof is on the Complainant.

- 7.3 Complaints should be handled in a timely, sensitive, responsible and confidential manner. There shall be no tolerance of reprisals taken against any party to a complaint. The names of parties and the circumstances of the complaint shall be kept confidential by the Executive except where disclosure is necessary for the purposes of investigation or taking disciplinary measures.
- 7.4 Anyone making a complaint which is found to be clearly unfounded, false, malicious or frivolous may be subject to discipline.

## **8. Complainant/Respondent**

- 8.1 For convenience in this policy, the term "**Complainant**" refers to the person who experiences harassment/bullying, has witnessed the harassment/bullying, or who believes that harassment/bullying has occurred, even though not all persons who experience, witness or otherwise become aware of harassment or bullying will make a formal complaint. The term "**Respondent**" refers to the person against whom a complaint is made.

## **9. Isolated Instances of Harassment/Bullying**

- 9.1 This policy does not prevent an appropriate person having authority from taking immediate, informal, corrective disciplinary action in response to behaviour that, in their view, constitutes an isolated incident of harassment or bullying where the Respondent has not previously been disciplined under this policy. A team official who becomes aware of harassment/bullying 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.

## **10. Reporting Harassment/Bullying**

- 10.1 A person who experiences harassment or bullying is encouraged to make it known to the alleged harasser or bully that the behaviour is unwelcome, offensive and contrary to the policies of Hockey Canada, BC Hockey and Vancouver Thunderbirds Hockey.
- 10.2 If confronting the alleged harasser or the bully is not possible, or if after confronting the alleged harasser or bully the harassment or bullying continues, the Complainant should report the matter to the Officer (or any other senior officer or director of Vancouver Thunderbirds Hockey, who shall then immediately report the matter to the Officer).

**11. Immediate, Interim Discipline**

- 11.1 If the Officer is of the opinion that the alleged harassment or abuse is sufficiently serious, the Officer may refer the matter immediately to the Executive, who may, pending the conclusion of the review of the complaint, suspend the Respondent from Vancouver Thunderbirds Hockey or take such other action with respect to the Respondent as the Executive may decide.

**12. Receiving a Complaint**

- 12.1 Once a complaint is received, the Officer will listen to the complaint and receive the information to support the complaint. The Officer will explain Vancouver Thunderbirds Hockey procedure and outline the remedies available to the Complainant. The Officer will document the meeting.
- 12.2 Where a third party person believes that a director, officer, employee, volunteer or member of Vancouver Thunderbirds Hockey has experienced or is experiencing harassment or bullying and reports this belief to the Officer, the Officer will meet with the person said to have experienced harassment or bullying and proceed in accordance with these procedures.
- 12.3 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/bullying is a minor), and assist in the informal resolution of the complaint, where this is appropriate. At this stage the Officer's role is to serve in a neutral, unbiased capacity in receiving the complaint and, where appropriate, assist in the informal resolution of the situation. If the Official considers that he or she is unable to act in this capacity, the Complainant will be referred by the Officer to another suitable person.
- 12.4 If the Officer requests an in-person or telephone meeting with the Complainant in order to receive the information to support the complaint and the Complainant refuses to or is otherwise unable to meet or speak with the Officer within fourteen (14) days of the Officer's request, then the Officer may treat the complaint as closed, and may also investigate as to whether the complaint was clearly unfounded, false, malicious or frivolous.

**13. Formal Complaint**

- 13.1 If informal resolution of the harassment/bullying complaint is not appropriate or possible, and if the Complainant decides to pursue a formal complaint, the Officer shall receive the formal complaint and shall provide a copy to the President. No formal complaint may be initiated under this policy without the Complainant first meeting with the Officer so as to permit the Officer to listen to the complaint.
- 13.2 The Respondent shall be provided with a copy of the formal complaint if the alleged conduct would constitute harassment or bullying within the definition of this policy.
- 13.3 Where the Officer believes there is sufficient evidence to warrant making a formal complaint but the Complainant does not wish to do so, the Officer may make a formal complaint and proceed in accordance with these procedures.

- 13.4 Once the formal complaint has been provided to the President and the Respondent, the Officer shall then gather the facts surrounding the incident by interviewing the Complainant, the Respondent, and any other person with personal knowledge of relevant facts.
- 13.5 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.
- 13.6 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 and the Vice-Presidents, and if the Officer's written report concludes that the alleged conduct constitutes harassment or bullying within the definition of this policy, the Complainant can choose to pursue one or both of the following options:
  - (a) The Complainant may decide to pursue an informal resolution of the complaint, in which case a mediator agreed upon by both the Complainant and the Respondent will assist the two parties to negotiate or mediate an acceptable resolution of the complaint; or
  - (b) If the Complainant chose not to pursue mediation with the Respondent, or if the mediation was unable to produce an acceptable resolution, the Complainant may by written notice to the Officer request a Panel Review to be conducted pursuant to Section 14 below.

#### **14. Panel Review**

- 14.1 Within not more than seven (7) days of receiving a request for a Panel Review, the Officer shall meet with the Executive, and the President shall appoint three persons to serve as a tribunal (the "Panel") to hear the complaint. The Panel must be comprised of at least two outside individuals not associated with Vancouver Thunderbirds Hockey.
- 14.2 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 Officer 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 Officer 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.

- 14.3 In the event there is a hearing, the Panel shall adopt such procedures as it may decide.
- 14.4 If at any point in the proceedings the Complainant becomes reluctant to continue, the Executive in consultation with the Officer shall decide whether or not to continue the review of the complaint in accordance with this policy.
- 14.5 If the Panel determines that the allegations of harassment or bullying are false, vexatious, retaliatory or frivolous, its report may direct that there be disciplinary sanctions against the Complainant.
- 14.6 Unless the Panel decides otherwise, any disciplinary sanctions applied shall take effect immediately.
- 14.7 The written decision of the Panel shall be delivered to the Complainant, the Respondent and the President. The decision shall contain:
  - (a) A summary of the relevant facts;
  - (b) A determination as to whether the acts complained of constitute harassment or bullying as defined in this policy; and
  - (c) Disciplinary action against the Respondent, if the acts constitute harassment or bullying.
  - (d) In addition, the decision may contain measures to remedy or mitigate the harm or loss suffered by the Complainant, if the acts constitute harassment or bullying as well as general recommendations, where appropriate, to make less likely the occurrence of similar incidents of harassment or bullying in the future.
- 14.8 The decision of the Panel will be final and binding upon the Complainant, the Respondent and Vancouver Thunderbirds Hockey, except for an appeal conducted in accordance with Section 15.

**15. Appeal of Panel's Decision**

- 15.1 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:
  - (a) The Panel did not follow the procedures set out in this policy
  - (b) Members of the Panel were biased or were influenced by irrelevant considerations
  - (c) The Panel reached a decision which could not be supported by the evidence or which was otherwise unreasonable.

- 15.2 The notice of appeal must be delivered to the President not later than ten (10) days (including holidays) of the Complainant or Respondent as applicable receiving the Panel's written decision.
- 15.3 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.
- 15.4 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.
- 15.5 The decision of the Executive shall be delivered to the Complainant or Respondent in writing and shall be final and binding.

**16. Record Keeping and Confidentiality**

- 16.1 Vancouver Thunderbirds Hockey recognizes the sensitive nature of harassment and bullying matters and in particular, the difficulties associated with coming forward with a complaint of harassment or bullying and with being accused of harassment or bullying. Vancouver Thunderbirds Hockey recognizes the interests of both the Complainant and the Respondent in keeping any matter being dealt with under this policy confidential, except where disclosure is required by a disciplinary proceeding or by law. However, it is also the policy of Vancouver Thunderbirds Hockey to allow the publication of the decision of the Panel where the acts complained of constitute abuse, harassment or bullying and such finding is upheld on appeal, if any.
- 16.2 The President and the Executive Director shall keep a secure record of the Panel report and any appeal proceedings.
- 16.3 The record shall contain all relevant documents including but not limited to:
  - (a) A copy of the original complaint and report
  - (b) Responses to the complaint
  - (c) Terms of reference of the investigator
  - (d) Interim measures
  - (e) Witness statements
  - (f) Investigator's report
  - (g) Mediated solution (signed agreement)
  - (h) Decision of the Panel
  - (i) Sanctions imposed
  - (j) Any other related correspondence
  - (k) Any Appeal(s) and any decision of the Executive for any Appeal

- 16.4 To the extent possible the above documents and documents resulting from a violation of this policy will be held in confidence by Vancouver Thunderbirds Hockey. However, no absolute guarantee of confidentiality may be made by Vancouver Thunderbirds Hockey. Circumstances in which information may be shared include:
- (a) when criminal conduct may be involved
  - (b) when it is believed necessary to protect others from harassment or bullying
  - (c) when required to ensure fairness or natural justice in the procedures in this policy
  - (d) in the course of an investigation by a law enforcement agency
  - (e) to protect the interests of Vancouver Thunderbirds Hockey
  - (f) when required by law

**17. Disciplinary Action**

- 17.1 The appropriate disciplinary action in the event that abuse, harassment or bullying is found to have occurred should take into consideration aggravating or mitigating circumstances. These include:
- The nature and severity of the abuse, harassment or bullying
  - Whether abuse, harassment or bullying 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 abuse, harassment or bullying incidents, whereby the concept of progressive discipline will be applied
  - Whether the Respondent admitted responsibility and expressed a willingness to change
  - Whether the Respondent retaliated against the Complainant
- 17.2 In recommending disciplinary action, the Panel may consider the following options, singly or in combination:
- Verbal apology
  - Written apology
  - Letter of reprimand from Vancouver Thunderbirds Hockey
  - 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.
- 17.3 In recommending a disciplinary action, the Panel should endeavour to select a penalty commensurate with the penalty handed down in similar circumstances, if any, and shall also consider progressive discipline by imposing increasingly severe consequences for repeat offenders.