

Quick Reference Guide

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8.01 HARASSMENT AND ABUSE POLICY

Policy Statement

BC Hockey is committed to providing a sport and work environment that is both safe and respectful. BC Hockey supports the rights of all its members to participate and work in an environment that prohibits discriminatory practices and promotes equal opportunities.

In order to further these aims, BC Hockey will make every reasonable effort to promote awareness of the problem of harassment among all its members and respond efficiently to complaints or disclosures of harassment.

This policy sets out the principles and practices of BC Hockey regarding harassment and abuse. This policy applies to all employees, directors, volunteers, coaches, athletes, officials and members of BC Hockey.

Definition of Harassment

Harassment is offensive behavior – emotional, physical, and or sexual – that involves discrimination against a person because of their race, national or ethnic origin, age, colour, religion, family status, sexual orientation, sex or gender, disability, marital status, or pardoned conviction. Harassment occurs when someone attempts to negatively control, influence or embarrass another person based on a prohibited ground of discrimination.

Examples of Harassment

Harassment can take many forms. Some examples of harassment include:

- unwelcome remarks, slurs, jokes, taunts, or suggestions about a person's body, clothing, race, national or ethnic origin, colour, religion, age, sex, marital status, family status, physical or mental disability, sexual orientation, pardoned conviction, or other personal characteristics;
- unwelcome sexual remarks, invitations, or requests;
- displays of sexually explicit, sexist, racist, or other offensive or derogatory material;
- written or verbal abuse or threats;
- practical jokes that embarrass or insult someone;
- any form of hazing;
- leering (suggestive staring) or other offensive gestures;
- unwelcome physical contact, such as patting, touching, pinching, or hitting;
- patronizing or condescending behaviour;
- humiliating someone in front of their peers;
- abuse of authority that undermines someone's performance or threatens his or her position;
- physical or sexual assault.

Definition of Abuse

Child abuse is any form of physical, emotional and / or sexual mistreatment or lack of care which causes physical injury or emotional damage to a child. A common characteristic of all forms of abuse against children and youth is an abuse of power or authority and / or breach of trust.

Abuse is an issue of child protection. Protection refers to provincial, territorial or Aboriginal band-appointed child protective services. A child may be need of protection from harm if abuse or neglect is suspected. Information about one's legal duty to report and circumstances under which reporting

must occur according to child protection legislation is available at www.hockeycanada.ca. Some examples include:

- physical abuse;
- emotional abuse;
- sexual abuse;
- neglect.

Role of BC Hockey

BC Hockey is committed to creating and maintaining a sport environment that is free from all forms of harassment and abuse. BC Hockey will:

- discourage and prevent harassment within BC Hockey;
- provide assistance and guidance to individuals who experience harassment;
- ensure all members or employees of BC Hockey are aware of the problems of harassment and abuse and advise them of the procedures contained in this policy;
- inform both the complainants and respondents of the procedures contained in this policy;
- regularly review the terms of this policy to ensure that it meets BC Hockey's objectives and legal obligations.

Harassment Advisors

BC Hockey will appoint a Harassment Advisor to serve as initial contact for all formal and informal complaints of harassment and abuse. In carrying out his or her duties, the Harassment Advisor shall be directly responsible to BC Hockey. The Harassment Advisor may work collaboratively with other resource people when required.

Investigative Officers

BC Hockey will appoint Investigative Officer(s) to receive harassment complaints from the Harassment Advisor and complete a full investigation. In conducting the investigation, the Investigative Officer may, at his or her discretion, delegate duties.

Complaint Procedure

1. An BC Hockey member, volunteer or employee (hereinafter referred to as the "Concerned Person") who experiences harassment by another BC Hockey member, volunteer or employee (hereinafter referred to as the "Respondent") should make it known to the Respondent that the behaviour is not welcome.
2. If informing the Respondent is not possible, or if after informing the Respondent the behaviour continues, the Concerned Person should seek the assistance of the Harassment Advisor.
3. The role of the Harassment Advisor is to:
 - receive complaints;
 - provide information on BC Hockey's harassment and abuse policy;
 - provide information on the complaint procedure;
 - inform the complainant of his or her options, including seeking legal advice;
 - advise the Concerned Person that he or she has the right to be represented by a person of choice at any stage of the complaint procedure;
 - conduct the initial interview with the Concerned Person in order to determine next steps;
 - conduct the initial interview with the Respondent, if required;
 - suggest and undertake informal resolution to a complaint, if applicable;

- determine if a formal complaint should be referred to an investigative officer, or to the RCMP/local police detachment in the case of abuse or assault
 - follow up on all complaints;
 - file a written report to BC Hockey.
4. If the Concerned Person and the Harassment Advisor agree that the conduct does not constitute harassment, the Harassment Advisor will take no further action.
 5. If the Concerned Person wishes to pursue an informal resolution to the complaint, the Harassment Advisor will assist the Concerned Person and Respondent to negotiate a solution. If appropriate, the Harassment Advisor may seek the assistance of a professional mediator or the Respondent's hockey association.
 6. If the informal resolution is successful, the Harassment Advisor shall make a written record that the complaint was made and was resolved informally, and will take no further action.
 7. If at any time during the informal resolution, the Concerned Person is not satisfied with the process, he or she may file a formal complaint.
 8. If the Concerned Person wishes to file a formal complaint, the Concerned Person shall forward a written complaint to the Harassment Advisor.
 9. The Harassment Advisor will forward a copy of the complaint to an Investigative Officer.
 10. The role of the Investigative Officer is to investigate complaints by conducting detailed interviews with the Complainant, Respondent, witnesses and any other individuals who may be involved.
 11. The Investigative Officer shall submit a written report of the investigation results to the Discipline Committee of BC Hockey within 21 days. A copy of the report must also be provided to both the Concerned Person and the Respondent. The report shall contain all documentation filed by both parties along with the Investigative Officer's recommendations. Examples of recommendations include:
 - verbal apology;
 - written apology;
 - letter of reprimand from BC Hockey;
 - removal of certain privileges of membership or employment;
 - temporary suspension;
 - termination or expulsion from membership.
 12. The Discipline Committee (members of the committee need to be unbiased, without personal or professional involvement with either the Concerned Person or Respondent, and without prior involvement with the complaint being resolved) shall be appointed annually by the president.
 13. The Discipline Committee shall determine the action to be taken in the harassment complaint. The Discipline Committee may accept or reject some or all of the recommendations of the Investigative Officer.
 14. In making its decision, the Discipline Committee may refer to the Codes of Conduct referred to **Appendix B**.

15. The Discipline Committee shall impose disciplinary or corrective measures in a fair and timely 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 except where disclosure is necessary for the purposes of investigation or taking disciplinary measures.

Finding of harassment

- a.) If a member is required to pay fees for participating and, because of harassing behaviour, drops out of a program, the participant may be entitled to a refund of such fees.
- b.) Associations or their Members deemed at fault following an Investigation and review of the Discipline Committee will be responsible for all expenses of the investigation.

Appeals

1. Both the Concerned Person and the Respondent may appeal the Discipline Committee's decision. The notice of appeal must be filed within 14 days after receiving the Discipline Committee's decision. The grounds for appeal include:
 - o did not follow policy;
 - o bias;
 - o decision was unfair or unreasonable.
2. The appeal procedure shall be governed by By-Law Ten.

Confidentiality

After the process for a complaint is completed, the Harassment Advisor will provide a written report to BC Hockey's Executive Director.

If investigation does not result in finding of harassment, the written report will be kept in a secure location and access will be restricted to the Harassment Advisor and the Executive Director. If the investigation results in a finding of harassment, the report will be placed in the personnel or membership file of the Respondent.

COMPLAINT PROCEDURE

COMPLAINT PROCEDURE
A Concerned Person contacts the Harassment Advisor to make a harassment complaint.

INFORM
The Harassment Advisor discusses the issue with the Concerned Person and informs the Concerned Person of options.

OR

RESOLVE
If the Harassment Advisor feels that a resolution is likely, an attempt at an resolving the complaint will be made.

RECORD
Once a resolution is reached, the Harassment Advisor makes a written records of the and the action taken.

INVESTIGATION
If the Concerned Person wishes to make a formal complaint, the written complaint is forwarded to the Investigative Officer.

REPORT
The Investigative Officer completes an investigation, writes a report and makes recommendations to the discipline committee.

ACTION
The discipline committee decides what action to take based on the investigative officer's report.

APPEAL
Both the Concerned Person and the Respondent have a right to appeal after the decision has been made.

APPENDIX A RECOGNITION AND PREVENTION OF ABUSE POLICY

This Policy sets out the principles and practices of Hockey Canada and BC Hockey with regard to abusive behavior towards participants. Each Member Association, League or Team is responsible for adopting a similar policy and adapting it to their requirements as appropriate.

Misconduct

Misconduct refers to the behaviour or a pattern of behaviour that is found, by a formal (ie, an independent investigation) or informal process (ie, an internal fact finding)

Bullying

Bullying describes behaviors that are similar to harassment, but occur between children under the age of twelve or behaviors between youth or between adults that are not addressed under human rights laws. Bullying is intentionally hurting someone in order to insult, humiliate, degrade or exclude him or her. Bullying can be broken down into four categories: physical, verbal, relational (ie, trying to cut off victims from social connection by convincing peers to exclude or reject a certain person), and reactive (ie, engaging in bullying as well as provoking bullies to attack by taunting them).

Abuse

Child abuse is any form of physical, emotional and / or sexual mistreatment or lack of care which causes physical injury or emotional damage to a child. A common characteristic of all forms of abuse against children and youth is an abuse of power or authority and / or breach of trust.

Abuse is an issue of child protection. Protection refers to provincial, territorial or Aboriginal band-appointed child protective services. A child may be need of protection from harm if abuse or neglect is suspected. Information about one's legal duty to report and circumstances under which reporting must occur according to child protection legislation is available at www.hockeycanada.ca.

Emotional Abuse

Emotional abuse is a chronic attack on a child or youth's self-esteem; it is psychologically destructive behavior 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 or youth's needs.

Physical Abuse

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.

Neglect

A general definition of neglect is the chronic inattention to the basic necessities of life such as clothing, shelter, nutritious diets, education, good hygiene, supervision, medical and dental care, adequate rest, safe environment, moral guidance and discipline, exercise and fresh air. Neglect may apply in a hockey setting where there is a chronic inattention in the hockey context (ie, when a player is made to play with injuries).

Sexual Abuse

Sexual abuse is when a child or youth is used by a child or youth with more power or an adult for his or her own sexual stimulation or gratification. There are two categories of sexual abuse: contact and non-contact.

Contact

- Touched or fondled in sexual areas
- Forced to touch another person's sexual areas
- Kissed or held in a sexual manner
- Forced to perform oral sex
- Vaginal or anal intercourse
- Vaginal or anal penetration with an object or finger
- Sexually oriented hazing

Non-Contact

- Obscene remarks on phone, computer or in notes
- Voyeurism
- Shown pornography
- Forced to watch sexual acts
- Sexually intrusive questions and comments
- Forced to pose for sexual photographs or videos
- Forced to self masturbate or forced to watch others masturbate

Duty To Report

Abuse and neglect are community problems requiring urgent attention. BC Hockey is committed to help reduce and prevent the abuse and neglect of participants. BC Hockey realizes that persons working closely with children and youths have a special awareness of abusive situations. Therefore, these people have a particular reporting responsibility to ensure the safety of Canada's young, by knowing their provincial protection acts and following through as required.

The Province of BC has mandatory reporting laws regarding the abuse and neglect of children and youth. Consequently it is the policy of BC Hockey that any BC Hockey personnel (part-time and full time staff, volunteer, participant, team official, on-ice official) or BC Hockey partner (parent, guardian) who has reasonable grounds to suspect that a participant is or may be or may have suffered from emotional, physical abuse and neglect and / or sexual abuse shall immediately report the suspicion and the information on which it is based to the local child protection agency and/or the local police detachment. In BC a person is concerned to be a child until s/he has reached the age of nineteen. The local child protection agency and / or the local police detachment may request the local Association to deal with the matter reported.

Those involved with BC 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.

By educating all personnel BC Hockey is weaving a tighter safety web around our most precious resources - our players.

a) **RELATIONSHIP TO HARASSMENT POLICY**

Some behavior, which is defined as abuse when directed towards a child or youth, may constitute harassment when directed towards a peer or when perpetrated between adults. BC Hockey's Harassment Policy covers such behavior. Together, the two policies address the entire spectrum of abusive and harassing behavior.

b) **BC HOCKEY**

The mission of BC Hockey is to ensure its participants are provided with a learning experience that is fun and safe. This includes, among other things, a shared responsibility with parents to nurture the physical and emotional well being of all participants. BC Hockey's primary interest is the well-being of its participants.

c) **STATEMENT OF PURPOSE**

BC Hockey is part of the sporting community in our country that is committed to seeking better ways to keep our youth safe. Protecting participants from all forms of abuse and neglect, whether emotional, physical or sexual, is an important element of safety. BC Hockey considers any form of abuse or neglect to be unacceptable and will do all it can to prevent this intolerable social problem. To this end, BC Hockey will promote awareness of all forms of abuse and neglect by providing educational materials and programs for participants, parents, volunteers and staff members. Through the use of these strategies, we will send a clear message to all potential abusers and sexual predators that hockey participants are not easy targets. BC Hockey committed to the highest possible standards of care for its participants.

d) **POLICY**

It is the policy of BC Hockey that there shall be no abuse or neglect, whether physical, emotional or sexual of any participant in any of its programs. BC Hockey expects every parent, volunteer and staff member to take reasonable steps to safeguard the welfare of its participants and to protect them from any kind of maltreatment.

e) **HARASSMENT AND ABUSE - DIFFERENCES AND SIMILARITIES**

	Abuse	Harassment
Types	Emotional, physical, sexual, lack of care	Emotional, physical, sexual; may be motivated by racial or other forms of prejudice
Victim	Any person under the age of majority as determined by the Provincial Child Protection Acts, may be male or female	Person of any age; may be male or female
Offender	Any person who has power or 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
Investigation	External to the organization, referred to child welfare or police who may in some instances refer back to organization	Most often internal unless referred to police in cases of suspected physical or sexual assault or criminal harassment (stalking)
Follow-up Actions	Determined by Provincial Child Protection Acts and Criminal Code; civil suits may also occur	Determined by organizations harassment policies, Criminal Code, labour tribunals, civil action and/or Provincial Human Rights Tribunals; may be used concurrently or alone
Philosophy	The victim is not to blame; offenders are responsible for their behavior	The victim is not to blame; offenders are responsible for their behavior

APPENDIX B - CODE OF CONDUCTS**Volunteer Code of Conduct**

VOLUNTEERS HAVE A RESPONSIBILITY TO:

1. Treat everyone fairly within the context of their activity, regardless of gender, place of origin, colour, sexual orientation, religion, political belief or economic status.
2. Direct comments or criticism at the performance rather than the person.
3. Consistently display high personal standards and project a favourable image of their sport and volunteering. Specifically, volunteers shall:
 - a. Refrain from public criticism of fellow volunteers, athletes, coaches and officials.
 - b. Abstain from the use of tobacco products while in the presence of children and discourage their use by participants and fellow volunteers.
 - c. Abstain from drinking alcoholic beverages when performing volunteer duties.
 - d. Discourage the use of alcohol in conjunction with athletic events or other activities at the playing site.
 - e. Refrain from the use of profane, insulting, harassing or otherwise offensive language in the conduct of duties.
4. Through proper risk management practices ensure that the activity being undertaken by both volunteers and participants is suitable for the age, experience, ability and fitness level of the individual and educate them as to their responsibilities in contributing to a safe environment.
5. Take the personal initiative to learn, respect, communicate and adhere to the rules and regulations established for the sport.
6. Regularly seek ways of increasing professional development and self-awareness.
7. Treat members of other sport organizations with respect, both in victory and defeat and encourage all participants to act accordingly. Actively encourage all participants to uphold the rules of their sport and the spirit of such rules.
8. Attend to volunteer duties, as directed, in a timely manner.
9. In the case of minors, communicate and cooperate with the parents or legal guardians, involving them in management decisions pertaining to their child's development.
10. Be aware of the role sport plays in everyone's lives and respect the pressures that may be placed on all participants including volunteers as they strive to balance the physical, mental, emotional and spiritual aspects of their lives.

VOLUNTEERS MUST:

1. Ensure the safety of the people with whom they work.
2. Abide by the harassment policy of the sport.
3. Respect the dignity of others; verbal or physical behaviours that constitute harassment or abuse are unacceptable.
4. Never advocate or condone the use of drugs or other banned performance enhancing substances.
5. Never provide under age participants with alcohol.

ATHLETE CODE OF CONDUCT**ATHLETES HAVE A RESPONSIBILITY TO:**

1. Treat everyone fairly within the context of their activity, regardless of gender, place of origin, colour, sexual orientation, religion, political belief or economic status.
2. Direct comments or criticism at the performance rather than the individual.
3. Consistently display high personal standards and project a favourable image of their sport. Specifically, athletes shall:
 - a. Refrain from public criticism of athletes, coaches or officials.
 - b. Abstain from the use of tobacco products and discourage their use by other athletes.
 - c. Abstain from drinking alcoholic beverages, using performance enhancing or mind altering drugs.
 - d. Refrain from the use of profane, insulting, harassing or otherwise offensive language.
4. Follow the annual training, competitive programs, and rules of conduct as mutually agreed upon by Coaches and Athletes, recognizing the responsibilities of the Athletes to adhere to and complete.
5. Participate in all team testing and satisfy all team program testing objectives.
6. Provide the Coaches with results of their strength and dry land training to enable the Coaches to monitor and assess improvement in their performance.
7. Communicate and cooperate with registered medical practitioners in the diagnoses, treatment and management of medical problems. Respect the concerns these medical people have when they are considering an athlete's future health and well being and when they are making decisions regarding an athlete's ability to continue to play or train.

8. Regularly seek ways of increasing development and self-awareness.
9. Uphold the rules of the sport, the spirit of such rules and encourage other athletes to do the same.
10. Treat opponents and officials with due respect both in victory and defeat. Encourage other athletes to act accordingly.
11. Be aware of the role sport plays in all athletes lives and respect the pressures that may be placed on all athletes as they strive to balance physical, mental, emotional and spiritual elements of their lives.

ATHLETES MUST:

1. At no time allow individuals who may request sexual favours or use threats of reprisal for rejection to go unreported.
2. Participate in a manner that ensures the safety of athletes, coaches and officials also participating in the game.
3. Respect other athlete's dignity; verbal or physical behaviours that constitute harassment or abuse are totally unacceptable.
4. Never advocate or condone the use of drugs or other banned performance enhancing substances.
5. Never use or condone the use of alcohol.

COACHES CODE OF CONDUCT**COACHES HAVE A RESPONSIBILITY TO:**

1. Treat everyone fairly within the context of their activity, regardless of gender, place of origin, colour, sexual orientation, religion, political belief or economic status.
2. Direct comments or criticism at the performance rather than the athlete, official or volunteer.
3. Consistently display high personal standards and project a favorable image of their sport and coaching.
 - a. Refrain from public criticism of fellow coaches, athletes, officials and volunteers especially when speaking to the media or recruiting athletes.
 - b. Abstain from the use of tobacco products while in the presence of athletes and discourage their use by athletes.
 - c. Abstain from drinking alcoholic beverages when working with athletes.
 - d. Discourage the use of alcohol in conjunction with athletic events or victory celebrations at the playing site.

- e. Refrain from the use of profane, insulting, harassing or otherwise offensive language in the conduct of duties.
4. Ensure that the activity being undertaken is suitable for the age, experience, ability and fitness level of the athletes and educate athletes as to their responsibilities in contributing to a safe environment.
5. Communicate and cooperate with registered medical practitioners in the diagnoses, treatment and management of their athletes' medical and psychological problems. Consider the athletes' future health and well being as foremost when making decisions regarding an injured athletes' ability to continue playing or training.
6. Recognize and accept when to refer athletes to other coaches or sport specialists. Allow athletes' goals to take precedence.
7. Regularly seek ways of increasing professional development and self-awareness.
8. Treat opponents and officials with due respect, both in victory and defeat and encourage athletes to act accordingly. Actively encourage athletes to uphold the rules of their sport and the spirit of such rules.
9. In the case of minors, communicate and cooperate with the athletes' parents or legal guardians, involving them in management decisions pertaining to their child's development.
10. Be aware of the many pressures placed on athletes as they strive to balance the physical, mental, emotional and spiritual aspects of their lives and conduct practices and games in a manner so as to allow optimum success.

COACHES MUST:

1. Ensure the safety of the athletes with whom they work.
2. At no time become intimately and / or sexually involved with their athletes. This includes requests for sexual favours or threat of reprisal for the rejection of such requests.
3. Respect an athlete's dignity; verbal or physical behaviours that constitute harassment or abuse are unacceptable.
4. Never advocate or condone the use of drugs or other banned performance enhancing substances.
5. Never provide under age athletes with alcohol; never encourage its use.

OFFICIATING CODE OF CONDUCT**OFFICIALS HAVE A RESPONSIBILITY TO:**

1. Treat everyone fairly within the context of their activity, regardless of gender, place of origin, colour, sexual orientation, religion, political belief or economic status.
2. Direct comments or criticism at the performance rather than the individual, if included in duties.

3. Consistently display high personal standards and project a favourable image of the sport and officiating.
 - a. Refrain from public criticism of participants and fellow officials.
 - b. Abstain from the use of tobacco products while in the presence of officials and discourage their use by officials.
 - c. Abstain from drinking alcoholic beverages when officiating and working with officials.
 - d. Refrain from the use of profane, insulting, harassing or otherwise offensive language in the conduct of duties.
4. Educate and ensure high standards of risk management are maintained.
5. Treat all other hockey participants with due respect and encourage all officials to maintain a high standard of self discipline.

OFFICIALS MUST:

1. When in a leadership role, ensure the safety of the officials with whom they work.
2. At no time become intimately and/or sexually involved with other officials. This includes requests for sexual favours or threat of reprisal for the rejection of such requests.
3. Respect participants' dignity; verbal or physical behaviours that constitute harassment or abuse are unacceptable.
4. Never advocate or condone the use of drugs or other banned substances.
5. Never provide under age participants with alcohol; never encourage its use.