



## **HARASSMENT POLICY**

*(as adapted from the policies of Hockey Canada)*

This Policy sets out the principles and practices of the Ontario Ball Hockey Federation regarding harassment.

### **A. Relationship to Recognition and Prevention of Abuse Policy**

Some behaviours which might be described as harassment when directed towards an adult, may constitute abuse when directed towards a child or youth by any person with power or authority over the person harassed.

The Canadian Ball Hockey Association's Recognition and Prevention of Abuse Policy covers such behaviours. Together, the two policies address the entire spectrum of abusive and harassing behaviours.

### **B. Statement of Purpose**

The Ontario Ball Hockey Federation is committed to providing a sport and work environment which promotes equal opportunities and prohibits discriminatory practices. Harassment is a form of discrimination which is prohibited by human rights legislation in Canada. The OBHF supports the right of all its members, whether athletes, volunteers or employees, to participate in all OBHF activities free from any form of harassment. Further, the OBHF emphasizes the importance of eliminating harassment in ball hockey as a key element in ensuring the safety of young participants. A sports environment which actively discourages harassment 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.

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

### **C. Policy**

It is the policy of the Ontario Ball Hockey Federation that harassment in all its forms will not be tolerated during the course of any OBHF activity or program. Accordingly, all OBHF personnel (staff, volunteers, team or on-floor officials) and partners (parents, guardians) are responsible for making every reasonable effort to uphold this commitment. Specifically, this includes refraining from harassing behaviour, responding promptly and informally to minor incidents of harassment and following local or national policy guidelines for reporting or responding to more serious complaints of harassment. Players and other participants are expected to refrain from harassing behaviour and are encouraged to report incidents of harassment.

#### **1. Definition of Harassment**

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 may be based on the grounds prohibited in human rights legislation, such as race, ethnicity, sex, sexual orientation and religion. Harassment may occur 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).

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

1. Unwelcome jokes, innuendo or teasing about a person's body, looks, race, sexual orientation etc.
2. Condescending, patronizing, threatening or punishing actions, which undermine self-esteem
3. Practical jokes, which cause awkwardness or embarrassment, or may endanger a person's safety
4. Any form of hazing
5. Unwanted or unnecessary physical contact including touching, patting, pinching

6. 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
7. Sexual assault or physical assault

It is important to note that the behaviours described in items 5 to 7, 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 the Recognition and Prevention of Abuse Policy come into effect.

## **2. Response and Remedies**

It is the position of the Ontario Ball Hockey Federation that harassment can not be tolerated. Harassment is unacceptable and harmful. The OBHF recognizes the serious negative impact of all types of harassment on personal dignity, individual and group development and performance, enjoyment of the game and in some cases, personal safety.

At the same time, the OBHF recognizes that not all incidents of harassment are equally serious in their consequences. Harassment covers a wide spectrum of behaviours, and the response to harassment 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 must be fair to all parties, allowing adequate opportunity for the presentation of a defence to the charges.

Minor incidents of harassment (eg: inappropriate jokes) should be corrected promptly and informally, taking a constructive approach and with the aim of bringing about a change in negative attitudes and behaviour.

More serious incidents (eg: a course of repeated taunting, any form of sexual or physical assault) should be dealt with according to the relevant national policy guidelines. Complaints should be handled in a timely, sensitive, responsible and confidential manner. There should be no tolerance of reprisals taken against any party to a complaint. The names of parties and the circumstances of the complaint should be kept confidential except where disclosure is necessary for the purposes of investigation or taking disciplinary measures.

Anyone making a complaint, which is found to be clearly unfounded, false, malicious or frivolous, will be subject to discipline.

Procedures for the handling of complaints brought against employees or volunteers of the Ontario Ball Hockey Federation are detailed in the document entitled "OBHF Harassment Complaint Procedures."

## **HARASSMENT COMPLAINT PROCEDURES**

*Note: For convenience, this policy uses the term "Complainant" to refer to the person who experiences harassment, even though not all persons who experience harassment will make a formal complaint. The term "Respondent" refers to the person against whom a complaint is made.*

### **APPLICATION**

1. This policy applies to all Ontario Ball Hockey Federation (OBHF) directors, officers, employees, volunteers and members. It applies to harassment that may occur during the course of all OBHF business, activities and events.

### **MINOR INSTANCES OF HARASSMENT**

2. 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 a minor incident of harassment.

### **REPORTING HARASSMENT**

3. A person who experiences harassment is encouraged to make it known to the harasser that the behaviour is unwelcome, offensive and contrary to the policies of OBHF.

4. If confronting the harasser is not possible, or if after confronting the harasser the harassment continues, the Complainant should request a meeting with an Official of the OBHF. For the purposes of this policy, an Official shall mean any Board member of the OBHF or its affiliated league(s).
5. Once contacted by a Complainant the role of the Official is to serve in a neutral, unbiased capacity in receiving the complaint and assisting in its informal resolution. If the Official considers that he or she is unable to act in this capacity, the Complainant will be referred to another suitable OBHF Official.
6. Where a person believes that a director, officer, employee, volunteer or member of OBHF has experienced or is experiencing harassment and reports this belief to an Official, the Official will meet with the person said to have experienced harassment and proceed in accordance with these procedures.
7. Where an Official believes there is sufficient evidence to warrant laying a formal complaint but the Complainant does not wish to do so, the Official may lay a formal complaint and proceed in accordance with these procedures.

### **COMPLAINT PROCEDURE**

8. There are three possible outcomes to a meeting of Complainant and Official:
  - a) *It may be determined that the conduct does not constitute harassment as defined in this policy*, in which case the matter will be closed;
  - b) *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 the respondent will assist the two parties to negotiate or mediate an acceptable resolution of the complaint; or
  - c) *The Complainant may decide to lay a formal written complaint*, in which case the Official will receive the written complaint and will advise the President of the OBHF, or designate, who will appoint an independent individual to conduct an investigation of the complaint.
9. The Investigator will carry out the investigation in a timely manner and at the conclusion of the investigation will submit a written report to the President, or designate, which will include a recommendation that:
  - a) No further action be taken because the complaint is unfounded or the conduct cannot be reasonably be said to fall within the OBHF's definition of harassment; or
  - b) The complaint has merit and should proceed to a hearing.
10. Within 10 business days of receiving the written report of the Investigator that recommends that there be a hearing the President, or designate, will appoint three individuals to serve as a Panel.
11. At the discretion of the President, or designate, the investigation may be waived and a Panel appointed within 10 business days of receipt of a formal complaint.

### **HEARING**

12. The Panel will hold the hearing as soon as possible, but not more than 15 business days after the Panel has been appointed.
13. The Panel will govern the hearing as it deems appropriate in the circumstances, provided that:
  - a) Members of the Panel shall select from among themselves a Chairperson;
  - b) A quorum shall be all three Panel members;
  - c) Decisions shall be by majority vote where the Chairperson carries a vote;
  - d) The parties may be accompanied by a representative;
  - e) The hearing will be held in private;
  - f) The parties will be given 10-business days written notice of day, time and place of the hearing;
  - g) The Respondent will receive a copy of the formal complaint;
  - h) The Complainant and Respondent will each receive a copy of the Investigator's report;
  - i) Both the Complainant and Respondent will be present at the hearing to respond to the Investigator's report, give evidence and to answer questions of the Panel. The hearing may proceed in the absence of either or both parties;
  - j) The Investigator may attend the hearing at the request of the Panel;
  - k) The Panel may request that witnesses to the incident be present or submit written evidence;
  - l) Once appointed, the Panel has the authority to abridge or extend timelines associated with all aspects of the hearing;
  - m) In the event that one of the Panel's members is unable or unwilling to continue with the hearing, the matter will be concluded by the remaining two Panel members who will make their decision unanimously.
14. In order to keep costs to a reasonable level the Panel may conduct the hearing by means of a telephone conference.

15. As soon as possible but in any event within 10 business days of the conclusion of the hearing, the Panel will provide its written decision to the President, or designate, with a copy provided to both the Complainant and Respondent. The decision will contain:

- a) A summary of the relevant facts;
- b) A determination as to whether the acts complained of constitute harassment as defined in this policy;
- c) Disciplinary action against the Respondent, if the acts constitute harassment; and
- d) Measures to remedy or mitigate the harm or loss suffered by the Complainant, if the acts constitute harassment.

16. If the Panel determines that the allegations of harassment are false, vexatious, retaliatory or frivolous, its report may direct that there be disciplinary sanctions against the Complainant.

17. Unless the Panel decides otherwise, any disciplinary sanctions applied shall take effect immediately.

18. The decision of the Panel will be final and binding upon the Complainant, the Respondent and the OBHF.

#### **CONFIDENTIALITY**

19. The OBHF recognizes the sensitive nature of harassment matters and in particular, the difficulties associated with coming forward with a complaint of harassment and with being accused of harassment. The OBHF 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.

Approved OBHF Board of Directors January 2015