

**MANITOBA U18 AAA HOCKEY LEAGUE
DISCRIMINATION, HARASSMENT, BULLYING AND ABUSE POLICY**

Version 1.1

1. ADOPTION OF HOCKEY CANADA PRINCIPLES AND PRACTICES

With appropriate modifications to address legislative and related requirements in this province, the Manitoba U18 AAA Hockey League (hereafter referred to as “**MB U18 AAA**”) has committed to adopting and implementing a policy to address the unacceptable behaviors of discrimination, harassment, bullying and abuse that reflects the principles and practices established by *Hockey Canada’s Bullying, Harassment and Abuse Prevention Policy*.

2. MB U18 AAA’S COMMITMENT

As promotor and operator of minor hockey within its jurisdiction, MB U18 AAA recognizes:

- a. A duty to act in a manner consistent with existing legislation, in particular the *Manitoba Human Rights Code*, the *Workplace, Safety and Health Regulation* and *The Child and Family Services Act*;
- b. The importance of establishing fair play and sportsmanship, including ensuring the maintenance of a climate of respect for all participants in its programs, including all MB U18 AAA players, team officials, game officials, and members;
- c. The importance of providing hockey opportunities for all people regardless of background; and
- d. That all MB U18 AAA players, members, and personnel have a right to participate, learn, work, and play in an environment that promotes equal opportunities and prohibits discriminatory, harassing, bullying and abusive practices.

MB U18 AAA is therefore committed to providing a positive and respectful hockey experience for all hockey participants in a safe and sportsmanlike environment where individuals or groups of individuals are free from discrimination, harassment, bullying and abuse. MB U18 AAA is equally committed to providing a safe and respectful work environment for its employees. Unacceptable conduct, as defined by this Policy, in any form, will not be tolerated. MB U18 AAA will make every reasonable effort to respond quickly and effectively to complaints or disclosures of unacceptable conduct.

3. SCOPE AND APPLICATION OF POLICY

This Policy applies to all individuals participating in the activities, programs, events, or business of MB U18 AAA including, but not limited to, players, coaches, team managers, trainers, game officials, persons elected or appointed as officers or officials under the bylaws and/or constitution of MB U18 AAA or its Area Associations, MB U18 AAA employees and volunteers. This Policy also applies to the parents and/or guardians of MB U18 AAA players insofar as they are expected to make every reasonable effort to uphold a respectful hockey environment for those players and the individuals participating in MB U18 AAA activities, programs, events or business with them.

This Policy applies to discrimination, harassment, bullying and abuse that occurs during the course of all MB U18 AAA business, programs, activities and events, including, but not limited to, the administration of the game competition, team practices, training camps, exhibitions, meetings and travel associated with these activities. Unacceptable conduct arising during the business, activities, programs and/or events of other organizations not affiliated with MB U18 AAA shall be dealt with using the policies and procedures of those organizations.

Note: The Kenora Thistles are covered by the Policies of the Hockey Northwestern Ontario Association. Complaints regarding Abuse and Harassment. On ice matters such as Racial Slurs may be dealt by the League if the complaint was as result of an on-ice League game.

4. RIGHTS AND RESPONSIBILITIES OF ALL PERSONS PARTICIPATING IN ACTIVITIES, PROGRAMS OR BUSINESS OF MB U18 AAA

4.1 All person participating in the activities, program, events, or business of MB U18 AAA:

- a. are entitled to participate, learn, work and play in a respectful environment free of discrimination, harassment, bullying and abuse;
- b. have the responsibility to treat each other with respect and to refrain from any form of unacceptable conduct, and to speak up if they, or others to whom this Policy applies are being subjected to unacceptable conduct, as defined by this Policy;
- c. have the responsibility to take all reasonable steps to safeguard the welfare and well-being of MB U18 AAA's participants and members and protect them from any form of unacceptable conduct, as defined by this Policy; and
- d. are responsible for reporting to MB U18 AAA any complaint of unacceptable conduct;
- e. have a responsibility to cooperate in the investigation of a complaint made pursuant to this Policy. Anyone who gives evidence in an investigation or who is otherwise involved in the complaint process must keep this information confidential, except when it is necessary to deal effectively with the complaint or if disclosure is otherwise required by law.

5. MB U18 AAA'S RESPONSIBILITIES

5.1 MB U18 AAA is responsible for:

- a. ensuring as much as is reasonably practical, that no individual or group participating in the activities, programs, events or business of MB U18 AAA is subjected to unacceptable conduct, as defined by this Policy;
- b. making every reasonable effort to act promptly and effectively to deal with complaints or disclosures of unacceptable conduct;
- c. taking corrective action against anyone under their direction who subjects an individual or group participating in the activities, programs, events or business of MB U18 AAA to unacceptable conduct; and
- d. keeping confidential information regarding the identity of persons involved in a complaint or disclosure of unacceptable conduct as well as the circumstances of such complaint or disclosure, unless release of such information is required to investigate a complaint, take corrective action as a result of a complaint or otherwise by law. This shall not preclude publication of the final outcome of any matter, where a sanction imposed under this Policy includes publication

6. DEFINITIONS – UNACCEPTABLE CONDUCT

Unacceptable conduct is defined under this Policy to include:

6.1 Abuse

- a. **Abuse** means any form of physical, emotional and/or sexual mistreatment or lack of care which causes physical injury or emotional damage to a child. For the purposes of this definition, “child” is defined as a person under the age of 18 years who is a MB U18 AAA member/participant. Physical Abuse is when a person in a position of power or trust purposefully injures or threatens to injure a child. 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.
- b. **Emotional Abuse** is a chronic attack on a child’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, threats, ridiculing, berating or intimidating comments, isolation, hazing or ignoring a child’s needs.
- c. **Sexual Abuse** occurs when a child is used by an older child, adolescent or adult for his or her own sexual stimulation or gratification with or without the child’s consent. Sexual Abuse may involve physical contact (such as fondling or forced intercourse) or may involve no physical contact at all (such as being shown pornography or being subjected to sexually intrusive questions or comments).
- d. **Neglect** is chronic inattention to the basic necessities of life such as clothing, shelter, proper supervision, medical and dental care, etc. Neglect may occur in the hockey setting where there is chronic inattention to the needs of a player such as when a player is made to play with injuries, equipment is inadequate or unsafe, or road trips are not properly supervised.

6.2 Discrimination

Discrimination means, except where bona fide and reasonable cause exists, or where it is based upon bona fide and reasonable requirements or qualifications, the differential treatment, whether intended or not, of an individual or group of individuals based on:

- a. an individual’s actual or presumed membership in or association with some class or group of persons, rather than on the basis of personal merit; or
- b. any of the following categories:
 - i. An ancestry or place of origin,
 - ii. race,
 - iii. color,
 - iv. nationality or national origin,
 - v. ethnic background,
 - vi. religion or religious belief, creed, association or activity,
 - vii. age,
 - viii. sex,
 - ix. gender-determined characteristics,
 - x. gender identity,
 - xi. sexual orientation,

- xii. marital or family status,
- xiii. source of income,
- xiv. political belief, political association or activity,
- xv. physical size or weight,
- xvi. physical or mental disability or related characteristics or circumstances.

6.2.1 Examples of discrimination may include, but are not limited to:

- a. Behaviour stating or implying actual or perceived abilities or inabilities based on any characteristic referred to in 6.2.b;
- b. Applying stereotypes or generalizations based on any characteristic referred to in 6.2.b;
- c. Unreasonable refusal to work with, play with or share facilities with a person or persons based on any characteristic referred to in 6.2.b.

6.3 Harassment (human rights-based)

Harassment is a form of discrimination. It is any objectionable or inappropriate conduct, comment, display, action or gesture by a person and made on the basis of any of the characteristics set out in section 6.2.b above.

6.3.1 Examples of harassment may include, but are not limited to:

- a. Unwelcome jokes, innuendos or teasing about a person's body, appearance, race, sexual orientation, etc.
- b. Racial or ethnic slurs;
- c. Displaying or circulating pictures, cartoons, or other offensive material;
- d. Unwanted or unnecessary physical contact including touching, patting or pinching;
- e. Any form of hazing (a humiliating and degrading initiation rite);
- 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 participation, training or advancement;
- g. A reprisal or threat of reprisal for rejecting a sexual solicitation or advance;
- h. Leering, ogling or other suggestive or obscene gestures; or
- i. Physical or sexual assault.

6.4 Personal Harassment (Bullying)

Personal harassment or what is sometimes referred to as "bullying" is offensive behavior that is not connected to any human rights-based characteristic. It is any conduct, comment, display, action or gesture that adversely affects a person's psychological or physical well-being and:

- a. As a result of the behavior being repeated, could reasonably cause the person to be intimidated or humiliated; or
- b. If only a single incidence, could reasonably have a lasting, harmful effect on the person.

6.4.1 Examples of bullying may include, but are not limited to:

- a. Personal ridicule (put-downs / teasing) or malicious gossip;

- b. Repeated or continuous incidents of inappropriate yelling, screaming or name-calling;
- c. Malicious or uncalled-for interference with another person's work or role;
- d. Interfering with or vandalizing/damaging a person's personal property;
- e. Physical or verbal abuse/violence, threats or intimidation;
- f. Insulting or derogatory comments, jokes or gestures;
- g. Repeated unjustified threats to remove or restrict opportunities or privileges;
- h. Shunning or ostracizing a person; or
- i. Any form of hazing.

6.5 What constitutes Harassment and/or Bullying – additional factors for consideration:

- 6.5.1 Harassment or bullying may involve individuals or groups and either peer or power relationships. Harassment can be physical or psychological in nature. It can occur between males and females and members of the same sex.
- 6.5.2 If behavior has the effect of creating a negative, hostile or uncomfortable environment, even if not directed at anyone in particular, the behavior may still be considered harassment or bullying.
- 6.5.3 In extreme forms, harassment or bullying may be an offense under Canada's Criminal Code and may require a report be made to the Police. Depending on the nature of the behavior, it may also constitute abuse resulting in a triggering of the Duty to Report Abuse provisions set out below
- 6.5.4 Reasonable conduct of a person to whom this Policy applies in respect of the management and direction of MB U18 AAA employees or the management, direction and guidance of players and/or members is not harassment or bullying.

7. RESPONSE AND REMEDIES

- 7.1 MB U18 AAA recognizes that not all incidents of unacceptable conduct are equally serious in their consequences. Unacceptable conduct, as defined by this Policy, covers a wide spectrum of behaviors and the response to such conduct must be equally broad in range, appropriate to the behavior in question as well as the persons involved and capable of providing a constructive remedy. There must be no summary justice or hasty punishment. The process of investigating and/or resolving any complaint of unacceptable conduct must be fair to and respectful of the rights of all parties.
- 7.2 Minor incidents of unacceptable conduct (e.g. inappropriate jokes) should be corrected promptly and informally, taking a constructive approach with the aim of bringing about a change in the negative attitudes and behavior.
- 7.3 More serious incidents of unacceptable conduct (e.g. a course of repeated taunting, any form of physical or sexual assault) or minor incidents of unacceptable conduct that are not corrected through informal action as set out in section 7.2 should be dealt with pursuant to the Procedures that apply to this Policy.
- 7.4 Persons to whom this Policy applies who are found to have violated the Policy may be subject to one or more of the following forms of discipline:
 - a. Requirement of verbal or written apology;
 - b. Letter of reprimand;
 - c. Referral to counselling or appropriate educational training;
 - d. Loss of certain privileges of membership or employment;

- e. Suspension;
- f. Demotion;
- g. Fine or levy;
- h. Dismissal or expulsion;
- i. Publication of the details of the sanction; or
- j. Any other sanction or disciplinary action which may be deemed appropriate.

7.5 In making a determination regarding appropriate discipline, consideration will be given to:

- a. The nature of the relationship between the persons involved in the incident(s);
- b. the age of the complainant;
- c. the nature and severity of the behavior committed;
- d. whether the behavior was an isolated incident or part of an ongoing pattern;
- e. whether the offender had been involved in and/or disciplined for previous incidents of unacceptable conduct;
- f. whether the offender admitted responsibility and expressed a willingness to change;
- g. whether the offender retaliated against the complainant for filing a formal complaint;
- h. whether any other form of penalty has been awarded against the offender for the incident(s) under MB U18 AAA's Rules and Regulations. A player who has received a penalty for conduct during a game that may also violate the Policy may still be subject to additional discipline under the Policy. A determination will need to be made as to whether the prior penalty is sufficient to also address the underlying purpose of this Policy and, in particular, sections 4 and 5;
- i. whether any specific form of penalty for the behavior in question has been established by Hockey Canada; and/or
- j. any other factor which may be deemed relevant in the circumstances.

7.6 Any person who makes a complaint which is determined to be clearly false, malicious or frivolous will be subject to discipline pursuant to section 7.4.

7.7 Anyone who retaliates or threatens to retaliate in any way against a person who has complained of unacceptable conduct, reported unacceptable conduct, participated in the investigation of a complaint of unacceptable conduct, or determined to have committed unacceptable conduct will be considered to have committed unacceptable conduct and be dealt with accordingly.

7.8 Interference with the conduct of an investigation into a complaint of unacceptable conduct by any person to whom this Policy applies may result in appropriate action being taken against that person by MB U18 AAA pursuant to this section; and

7.9 Intentional or unnecessary breaches of confidentiality by any person to whom this Policy applies may be subject to appropriate action being taken by MB U18 AAA pursuant to this section.

8. **DUTY TO REPORT ABUSE**

Where any MB U18 AAA member (including team officials, game officials, MB U18 AAA officers or directors), any MB U18 AAA employees or volunteers and/or any parent/guardian of a participant has information that leads him or her reasonably to believe that in the course of MB U18 AAA business, activities, programs or events a child is or may be suffering or may have suffered abuse, that person shall immediately report the information to an Agency of Manitoba Child and Family Services and/or the Police. MB U18 AAA's Commissioner must be advised of the intent to report or that the matter has been reported.

MB U18 AAA will take no further action until such time as the Agency and/or Police have concluded their investigation(s), unless there is cause for taking action to protect the child from further harm, such as ensuring the alleged perpetrator is prevented from having contact with the child until the completion of the investigation.

If available, the report(s) of the investigation(s) carried out by the Agency and/or Police may be utilized as required by MB U18 AAA in order to appropriately administer the provisions of this Policy.

9. AWARENESS AND EDUCATION

- a. Training related to understanding discrimination, harassment, abuse and bullying and appropriate response to same for persons charged with responsibilities under this Policy; and
- b. Providing educational materials and/or programs to members, participants, parents/guardians, volunteers, team officials, game officials and employees.

10. DEVELOPMENT AND PROCEDURES

MB U18 AAA will develop procedures to give effect to this Policy, including:

- a. the appointment of appropriate personnel for receiving, investigating and resolving complaints made pursuant to the Policy;
- b. provisions to enable the informal resolution of complaints; and
- c. provisions to address the investigation and disposal of formal complaints and any appeals relating to the disposal of such complaints.

11. MONITORING

MB U18 will periodically monitor this Policy and all matters relating to it and make adjustments when they are determined to be needed. Any suggestions or concerns about this Policy should be brought to the attention of MB U18 AAA's Commissioner.

12. OTHER OPTIONS AVAILABLE

Whether or not a complaint is made under this Policy, any individual participating in the activities, programs, events or business of MB U18 AAA retains all other legal rights available to them, including but not limited to the ability to make a complaint to the Manitoba Human Rights Commission, or to Manitoba Workplace, Safety and Health or the Policy.