

MANITOBA U18 AAA HOCKEY LEAGUE
DISCRIMINATION, HARASSMENT, BULLYING AND ABUSE POLICY
PROCEDURE
Version 1.1

1. APPLICATION

Procedure applies to all matters falling under the provisions of MB U18 AAA's Discrimination, Harassment, Bullying, Abuse Policy. These procedures have been adopted by MB U18 AAA in order to establish mechanisms that will enable individuals participating in the activities, programs, events or business of MB U18 AAA to participate, learn, work and play in a respectful environment free of discrimination, harassment, bullying and abuse.

2. DEFINITIONS

For the purpose of these Procedures:

- 2.1. A Complainant is a person who discusses a concern or makes a complaint (an allegation, whether verbal or written) of unacceptable conduct, as that conduct is defined by the Policy;
- 2.2. A Respondent is a person against whom a concern is raised about or a complaint has been made;
- 2.3. An Official is any individual occupying a position of authority with MB U18 AAA, including limited to MB U18 AAA executive, directors, officers, team officials and game officials;
- 2.4. Organization is the MB U18 AAA Hockey League or regional team;
- 2.5. The Commissioner is the Commissioner of MB U18 AAA or his/her designate; and
- 2.6. The President is the President of MB U18 AAA or his/her designate.

3. MINOR INSTANCES OF UNACCEPTABLE CONDUCT

Nothing in this Procedure prevents an Official or Organization or other appropriate person having authority from taking immediate informal and corrective disciplinary action in response to behavior that, in their view, constitutes a minor incident of unacceptable conduct, as defined by the Policy.

4. INSTANCES WHERE IMMEDIATE RESPONSE MAY BE REQUIRED

Complaints deemed unacceptable conduct arising during game competitions may be dealt with immediately, if deemed necessary, by an Official, provided the individual being disciplined is advised of the nature of the infraction and has an opportunity to provide information concerning the incident. In such situations, sanctions shall be for the duration of the competition only. Further sanctions may be applied but only after review of the matter in accordance with MB U18 AAA's Discrimination, Harassment, Bullying, Abuse Policy and this Procedure.

In the event that an alleged offense is so serious as to possibly jeopardize the safety of others, an Official may immediately remove the alleged offender from a MB U18 AAA activity, program or event pending an investigation of the complaint in accordance with this Procedure.

5. REPORTING UNACCEPTABLE CONDUCT

- 5.1. A person who experiences, witnesses, or has reason to believe that unacceptable conduct has occurred is encouraged to make it known to the alleged offender as soon as is practicable that the behavior is unwelcome, offensive, and contrary to MB U18 AAA's Discrimination, Harassment, Bullying, Abuse Policy.

- 5.2. If confronting the alleged offender is not possible, or if after confronting the alleged offender the unacceptable conduct continues, the matter should be reported to the Commissioner immediately.

6. INFORMAL RESOLUTION

- 6.1. Once contacted by a Complainant, the Commissioner will serve in a neutral, unbiased capacity to receive information regarding the incident(s) and, where appropriate, assist in the informal resolution of the matter. If the Commissioner considers that he or she is unable to act in this capacity, the Complainant will be referred to a suitable member of MB U18 AAA's Executive.
- 6.2. If an informal resolution acceptable to the Complainant and Respondent is reached, then the Commissioner will:
- a. Send a written communication to both parties, setting out the understandings and/or agreement. Receipt of this written communication must be acknowledged by both the Complainant and Respondent;
 - b. Assist in bringing about whatever administrative or other action is needed to implement the resolution; and
 - c. Ensure that an appropriate record of the informal resolution is documented in MB U18 AAA's general files.

7. FORMAL COMPLAINT

- 7.1. If the matter is not resolved informally, or if the unacceptable conduct continues or reoccurs, or if the Complainant chooses not to attempt to resolve the matter informally, the Complainant has the option to file a formal complaint.
- 7.2. The formal complaint shall:
- a. Be in writing in a form acceptable to or which may be prescribed by MB U18 AAA;
 - b. Set out the particulars of the allegations, including, where possible, the dates, times and nature of the allegations, the persons involved, and the names of any witnesses to the behavior;
 - c. Be signed and dated by the Complainant; and
 - d. Be submitted to the Commissioner.
- 7.3. A complainant may request the assistance of the Commissioner to draft the formal complaint.
- 7.4. Persons who wish to file formal complaints are encouraged to do so at their earliest opportunity. It should be noted, however, that to be considered under the Policy all formal complaints must be filed within six months from the date of the most recent alleged violation of the Policy unless, in the discretion of the Commissioner, extenuating circumstances would warrant an extension of time.

8. APPLICABILITY OF THE COMPLAINT

- 8.1. Upon receipt of the formal complaint the Commissioner, with advice from appropriate persons or professionals as needed, will review the allegation(s) to determine:

- a. Whether the alleged conduct falls within the definitions of unacceptable conduct established by the Policy;
 - b. The nature of the complaint, including an initial assessment as to the seriousness of the alleged conduct; and
 - c. Who the complaint involves.
- 8.2. If it is determined that the allegation(s) does not fall under the definitions set out in the Policy or that the complaint does not involve any person to whom the Policy applies then the Complainant shall be advised accordingly and no further action will be taken on the formal complaint. The Commissioner may recommend that other avenues be pursued by the Complainant in order to resolve the matter at issue.
- 8.3. If it is determined that the complaint does not involve any individual participating in the activities, programs, events or business of MB U18 AAA but may involve a member/participant of Hockey Manitoba or if the complaint raises issues within the exclusive jurisdiction of Hockey Manitoba, the Commissioner shall refer the complaint to Hockey Manitoba.
- 8.4. If it is determined that the complaint involves a person or persons to whom the Policy applies and the complaint is initially assessed as minor in nature, and if agreed upon by the parties, resolution may be attempted through mediation for such period of time that the Commissioner considers reasonable. Any such resolution may provide for withdrawal of the complaint or a portion thereof. Should mediation be unsuccessful or if at any time one or both of the parties decline to participate further with the resolution process, the Commissioner shall proceed to handle the matter pursuant to section 8.5.
- 8.5. If it determined that the complaint involves a person or persons to whom the Policy applies and the complaint is initially assessed as serious in nature, or if the Commissioner otherwise decides to proceed to handle a complaint pursuant to this section, the Commissioner shall advise the President and in consultation to determine how the investigation will be conducted.

9. MB U18-INSTITUTED INVESTIGATION

- 9.1. The Commissioner or President, in consultation with appropriate professionals and/or the Executive of MB U18 AAA, may request that an investigation be conducted in the absence of a formal complaint and in circumstances where s/he deems it appropriate to do so. The Procedures applicable to the investigation of a formal complaint and post-investigative response will apply, adapted as necessary to meet the particular circumstances.
- 9.2. Where the Commissioner believes there is sufficient evidence to warrant the Complainant making a formal complaint, but the Complainant does not wish to do so, the Commissioner, in consultation with MB U18 AAA's Executive, may make a formal complaint on behalf of MB U18 AAA and proceed in accordance with these Procedures.

10. INVESTIGATIONS

- 10.1. Upon an investigation being launched, the following will apply:
- a. Notify the Respondent that a complaint has been received and that an investigation is being commenced. The Respondent shall be provided with a signed copy of the formal complaint and copies of MB U18 AAA's Discrimination, Harassment, Bullying, Abuse Policy and Procedures;
 - b. Provide the Respondent with a reasonable opportunity to consult with a representative if to do so is desired;

- c. Request the Respondent provide a written response to the complaint within a reasonable time;
- d. Investigate the complaint, including interviewing the Complainant and the Respondent, and any other person deemed relevant to the investigation;
- e. re-interview the parties to the complaint, as needed, in order to provide them with a full opportunity to respond to all pertinent information gathered during the investigation; and
- f. Carry out the investigation in a timely manner.

10.2. Upon the completion of the investigation, a written report which will set out:

- a. The allegation(s);
- b. All relevant information obtained during the course of the investigation;
- c. An analysis of that information on a balance of probabilities; and
- d. A recommendation that either:
 - i. No further action be taken because no breach of the Policy has been found to have occurred; or
 - ii. The complaint has merit and should be referred to the U18 AAA Review Committee; or
 - iii. The complaint has been shown to be clearly false, malicious or frivolous and should be referred to the U18 AAA Review Committee.

11. ACTIONS TO BE TAKEN POST-INVESTIGATION

11.1. Upon receipt of a report from the investigator recommending that no further action be taken, the President will advise the Complainant and Respondent accordingly and may choose to provide them with a copy of the written report. The matter shall then be considered concluded.

11.2. Upon receipt of a report recommending that the complaint should be referred to the U18 AAA Review Committee as it either has merit or has been shown to be clearly false, malicious or frivolous, the President shall advise the Complainant and Respondent of the findings of the investigator. The President will provide the Complainant and Respondent the opportunity to respond in writing to the investigator's findings. The President may establish such time frames for the provision of the written submissions as s/he deems necessary and reasonable.

11.3. A Complainant or Respondent who has been provided with a copy of an investigator's report at the conclusion of the investigation into a complaint under this Procedure must not discuss, circulate, copy or otherwise disseminate any part of the report except as is necessary to seek advice and/or direction regarding the report from their representative, advisor or support person.

11.4. Upon receipt of a written submission provided by either or both the Complainant or Respondent, or if no submissions are received by the time frames established by the President for their receipt, the President shall immediately appoint three individuals to serve as the U18 AAA Review Committee ("the Committee") and shall appoint one of these persons to serve as Chair of the Committee.

11.5. The President shall forward a copy of the investigator's report and any written submissions received from the parties to the Committee which will then be responsible for deciding whether a breach of the Policy has occurred and determining the appropriate remedy in response to the complaint should such a breach be found as set out in sections 7.4 to 7.9 of the Policy.

11.6. The Committee shall meet at such times and at such places as are necessary to come to a determination regarding remedy. In relation to matters involving a breach of the Policy by an employee of MB U18 AAA,

the Committee will consult, as appropriate, with the Commissioner and/or the President in order to determine the proper disposition.

11.7. A quorum of the Committee shall be all three Committee members appointed by the President. Decisions of the Committee shall be by majority vote.

12. DECISION OF THE U18 AAA REVIEW COMMITTEE

12.1. Within 10 business days of the receipt of the investigator's report and any written submissions by the parties or as soon as is possible thereafter, the Committee will deliver its written decision to the President as well as the Complainant and Respondent. The written decision shall contain:

- a. A summary of the facts, referring as necessary to the report;
- b. A conclusion as to whether or not the Policy has been breached;
- c. The disciplinary action, if any, to be taken against the Respondent for any breach of the Policy found to have occurred;
- d. If determined to be necessary, measures to remedy or mitigate the harm or loss suffered by the Complainant, for any breach of the Policy found; and
- e. Any other measures that may be necessary to properly dispose of the complaint.

12.2. Unless the Committee decides otherwise, any disciplinary sanctions determined to be taken against either the Complainant or Respondent shall take effect immediately.

12.3. Failure by a member to comply with a sanction as determined by the U18 AAA Review Committee shall result in an automatic suspension of membership in MB U18 AAA until such time as the sanction is fulfilled.

13. APPEALS

13.1. Both the Complainant and Respondent shall have the right to appeal the decision of the U18 AAA Review Committee. A notice of intention to appeal, along with the grounds for appeal, must be provided to the Commissioner within 5 business days of the Complainant or Respondent, as applicable, receiving the Committee's written decision. The notice must include the grounds upon which the decision is being appealed as set out in section 13.2.

13.2. Appeals may only be made on the following grounds:

- a. Members of the U18 AAA Review Committee did not follow the Procedure applicable to administering the Discrimination, Harassment, Bullying, Abuse Policy;
- b. Members of the U18 AAA Review Committee reached a decision that could not be supported by the evidence; or
- c. Members of the U18 AAA Review Committee reached a decision on remedy that was grossly unfair or unreasonable in all of the circumstances.

13.3. The other party will be notified if a notice of appeal is received. The party will be provided with the grounds of the appeal and the opportunity to submit a response to the notice.

13.4. The appeal shall be heard by MB U18 AAA's Appeal Committee.

13.5. The Chairperson of the Appeal Committee shall, within 7 business days of receipt of a written appeal, arrange a date for the appeal hearing and give notice of the date to the Complainant and Respondent.

- 13.6. Representations are limited at an appeal hearing to those persons requested to, or approved to, appear by the Chairperson of the Appeal Committee.
- 13.7. The Appeal Committee has discretion to govern the hearing of the appeal in the manner it deems appropriate, provided that it adheres to section 13.8.
- 13.8. The decision of the Appeal Committee will be based on a review of the documentation regarding the complaint, including the complaint and any reply by the Respondent, the report of the investigator, any submissions made by the parties in response to the investigator's findings, the decision of the U18 AAA Review Committee, the notice of appeal and any representations in response to the appeal permitted by the Appeal Committee;
- 13.9. In deciding the appeal, the Appeal Committee may uphold the decision of the U18 AAA Review Committee, substitute its decision for that of the U18 AAA Review Committee or it may modify.
- 13.10. A ruling by the Appeal Committee with respect to an appeal filed pursuant to this section is final and binding on all parties.

14. RECORD KEEPING AND CONFIDENTIALITY OF RECORDS

- 14.1. Once a formal complaint has been disposed of pursuant to these Procedures, the Commissioner shall keep a secure record of all relevant documents including, but not limited to:
 - a. The formal written complaint;
 - b. Any written reply to the complaint received by the Respondent;
 - c. Any informal or mediated resolutions (set out in writing and agreed to by the parties);
 - d. Investigator's report;
 - e. Any responses received by the parties to the investigator's report;
 - f. Decisions of the U18 AAA Review Committee;
 - g. Notice of appeal (if any) and related documentation;
 - h. Decisions of the Appeal Committee; and
 - i. Any other related correspondence.
- 14.2. MB U18 AAA recognizes the sensitive nature of matters falling within the Discrimination, Harassment, Bullying, Abuse Policy and these Procedures and, in particular, the difficulties associated with coming forward with a complaint of unacceptable conduct and with being accused of unacceptable conduct. MB U18 AAA recognizes the interests of both the Complainant and Respondent in keeping any matter being dealt with under the Policy confidential.
- 14.3. However, no absolute guarantee of confidentiality of the information and/or documentation provided to or obtained by MB U18 AAA pursuant to these Procedures can be provided. Disclosure of such information and/or documentation may be required to appropriately investigate a complaint, take corrective action as a result of a complaint or otherwise by law.