



Code of Conduct Policies & Procedures

Version #4

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**NOTE: HIGHLIGHTED SECTIONS
AND/OR PARAGRAPHS
ARE NEW OR CHANGED SECTIONS**

**WHEREVER THE CONTEXT HEREIN
PERMITS, REFERENCE TO THE MALE
SHALL ALSO MEAN FEMALE**



ONTARIO MINOR HOCKEY ASSOCIATION INC.

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OMHA CODE OF CONDUCT

This Code of Conduct identifies the standard of behaviour which is expected of all Ontario Minor Hockey Association (“OMHA”) members and participants, including but not limited to all players, guardians, parents, coaches, officials, volunteers, directors, officers, committee members, convenors, team managers, trainers and administrators involved in OMHA activities and events.

The OMHA is committed to providing an environment in which all individuals are treated with respect. Members and participants of the OMHA shall conduct themselves at all times in a manner consistent with the values of the OMHA which include fairness, integrity and mutual respect.

During the course of all OMHA activities and events, members shall avoid behavior which brings the OMHA or the sport of hockey into disrepute, including but not limited to abusive use of alcohol, use of non-medical drugs and use of alcohol by minors.

OMHA members and participants shall at all times adhere to the OMHA operational policies and procedures, to rules and regulations governing OMHA events and activities, and to rules and regulations governing any competitions in which the member participates on behalf of the OMHA.

Members and participants of the OMHA shall not engage in any activity or behaviour which interferes with a competition or with any player or team's preparation for a competition, or which endangers the safety of others.

Members of the OMHA shall refrain from comments or behaviours, which are disrespectful, offensive, abusive, racist or sexist. In particular, behaviour, which constitutes harassment, abuse or bullying, will not be tolerated.

Failure to comply with this Code of Conduct may result in disciplinary action, including but not limited to, the loss or suspension of certain or all privileges connected with the respective Member Association in the OMHA including the opportunity to participate in the OMHA and its' Member Association activities and events, both present and future.

CODE OF CONDUCT POLICIES & PROCEDURES

1.0 INTRODUCTION

- a) Membership in the Ontario Minor Hockey Association (OMHA), as well as participation in the activities of the OMHA, brings with it many benefits and privileges. At the same time members and participants are expected to fulfill certain responsibilities and obligations, including but not limited to complying with the Code of Conduct, Regulations and Policies of the OMHA.
- b) The OMHA Code of Conduct generally identifies the standard of conduct which is expected of members, and other persons involved in OMHA activities and events. Individuals who fail to meet this standard may be subject to the disciplinary sanctions identified within these Policies and Procedures.
- c) The OMHA is committed to providing a sport and work environment which promotes equal opportunities and prohibits discriminatory practices.
- d) Harassment, Abuse and Bullying ("H.A.B.") is prohibited by human rights legislation. H.A.B. can also be an offense under Canada's Criminal Code. The OMHA has a zero tolerance policy in regard to H.A.B.

2.0 APPLICATION

- 2.1 These Policies and Procedures are intended to deal with all matters relating to discipline for breaches or violations of the OMHA Code of Conduct and/or its Policies and Procedures. They are not intended to address matters related to the Rules of Competition as set out in the OMHA Regulations and Policies.
- 2.2 These Policies and Procedures apply to all categories of members and participants of the OMHA.
- 2.3 These Policies and Procedures outline discipline for breach of the Code of Conduct including harassment, abuse and bullying matters which may arise during the course of all OMHA activities and events, including but not limited to competitions (including exhibition games), practices, training camps, meetings and travel associated with these activities. Depending on the offence, and the Policies and Procedures set out herein, discipline shall be dealt with by the local Association or the OMHA.
- 2.4 Within these Policies and Procedures, the words harassment and harass shall include bullying and bully and abuse and abusing.

3.0 TYPES OF INFRACTIONS

3.1 Under these Policies and Procedures, there shall be three types of infractions, which may warrant discipline:

- a) Minor infractions - these are infractions under the OMHA Code of Conduct which are less serious than major infractions. These infractions and/or complaints will in most cases be dealt with at the local Association level, after which they may be appealed to the OMHA Code of Conduct Appeal Panel. These infractions may also warrant immediate corrective action by either the OMHA or the local Association.
- b) Major infractions - these are infractions under the OMHA Code of Conduct which are more serious and may warrant disciplinary action as specified herein. These infractions and/or complaints are generally dealt with at the OMHA level, at the discretion of the OMHA, these infractions may be referred back to the local Association.
- c) Harassment, Abuse and Bullying ("H.A.B.") - these are serious infractions under the OMHA Code of Conduct, which are considered as major infractions except as specifically set out herein. These infractions must be reported to the OMHA for direction. These infractions and/or complaints are dealt with at the OMHA level, unless at the discretion of the President or his designate, they are referred back to the local Association.

4.0 GENERAL PROCEDURE

4.1 When a written complaint is received by the local Association, or an infraction occurred to the knowledge of the local Association, the said Association must determine if the complaint or infraction ought to be considered minor or major. If the matter is a minor infraction the matter is dealt with at the local Association level, unless the Association refers the matter to the OMHA and the OMHA agrees to the referral.

When the local Association determines that the matter is a major infraction the matter must be referred to the OMHA. The President or his designate shall then determine the appropriate course of action, which may include one or more of the following: referring the matter back to the Association, imposing interim sanction(s), requesting an investigation and/or a Hearing, or such other action(s) as the President or his designate deems necessary.

If the matter is heard at the local Association level, the decision may be appealed to the OMHA Code of Conduct Appeal Panel after which time it may be appealed to the OHF.

When a complaint involving a minor or major infraction is received by the OMHA directly from the complainant, or the infraction occurred to the knowledge of the OMHA, the President or his designate may refer the matter to the local Association, or deal with the matter at the OMHA level in accordance with the Policies and Procedures set out herein.

These Policies and Procedures use the term "Complainant" to primarily refer to the person who makes the complaint including but not limited to a victim of an infraction or their parent or guardian, or any other association member. The term "Respondent" refers to the person against whom a complaint is made.

5.0 MINOR INFRACTIONS

5.1 Situations involving Minor Infractions shall include, but are not limited to the following:

- a) a single incident of disrespectful, offensive, abusive, racist or sexist comments or behavior directed towards others, including but not limited to, peers, opponents, players, parents, coaches, officials, managers, trainers, administrators, spectators and sponsors;
- b) unsportsmanlike conduct such as angry outbursts or arguing;
- c) a single incident of being late for or absent from OMHA events and activities at which attendance is required;
- d) non-compliance with the rules and regulations under which OMHA events are carried out;
- e) any complaint or infraction considered minor in nature.

5.2 Handling of Minor Infractions

- a) A minor infraction will be dealt with at the local Association level by an Association representative in a position of authority designated by the local Association.
- b) The local Association ought to have procedures in place to deal with minor infractions including an individual responsible for handling of same. The procedures ought to ensure the individual being disciplined is advised of the infraction and provided a reasonable opportunity to set out their position concerning the incident.
- c) Although minor infractions will generally be dealt with by the local Association, the local Association may refer a minor infraction to the OMHA. The President or his designate may or may not agree to the referral. When handling the complaint or infraction the local Association ought to conduct a thorough internal investigation. The local Association also has the power to discipline, sanction and/or suspend any member or participant for the minor infraction.
- d) All sanctions and/or suspensions assessed by the local Association must be reported in writing to the OMHA Executive Director, within SEVEN (7) business days of the sanction being rendered.

5.3 Sanctions for Minor Infractions

Whether the matter is at the local Association committee, or the Code of Conduct Hearing Panel, the Committee or Panel hearing the matter may apply disciplinary sanctions which may include any or all of the following;

- a) Verbal reprimand
- b) Written reprimand to be sent to the individual
- c) Verbal apology by the individual
- d) Written apology by the individual
- e) Termination of team service or other voluntary contribution to the team, the minor hockey organization or to the OMHA
- f) Suspension from the current competition and/or for a specified number of games
- g) Any other sanction(s) as may be deemed appropriate in the circumstances

Where the matter has been dealt with at the local Association level, and a final decision rendered, on appeal, the matter will proceed by way of a Code of Conduct Appeal as set out in section 10.0 herein.

6.0 MAJOR INFRACTIONS

6.1 Situations involving Major Infractions, could include, but are not limited to the following:

- a) repeated incidents of disrespectful, offensive, abusive, racist or sexist comments or behavior directed towards others, including but not limited to peers, opponents, players, parents, coaches, officials, managers, trainers, administrators, spectators and sponsors;
- b) repeated unsportsmanlike conduct such as angry outbursts or arguing;
- c) activities or behavior which interferes with the organization of a competition or with any player's or team's preparation for a competition;
- d) pranks, jokes or other activities which endanger the safety of others;
- e) deliberate disregard for the rules and regulations under which OMHA events are conducted;
- f) abusive use of alcohol where abuse means a level of consumption which impairs the individual's ability to speak, walk or drive; causes the individual to behave in a disruptive manner; or interferes with the individual's ability to perform effectively and safely;
- g) any use of alcohol by minors;
- h) use of illicit drugs and narcotics;
- i) use of, or condoning the use of, banned performance enhancing drugs or methods;
- j) any Harassment, Abuse or Bullying complaint;
- k) lack of reporting, activity or action of a local executive or association;
- l) any other complaint or infraction which is considered serious.

6.2 Harassment, Abuse and Bullying (“H.A.B.”)

It is the Policy of the OMHA that there shall be no H.A.B., or neglect, whether physical, emotional or sexual of any participant in any of its programs. OMHA 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.

As set out above, any complaint of H.A.B. shall be considered a major infraction and shall follow the same procedure as used with a major infraction, as set out herein, unless otherwise determined by the OMHA, or as set out in the Criminal Code of Canada. H.A.B. in particular abuse shall also include neglect.

6.3 Definitions of Harassment, Abuse and Bullying

a) Harassment

Harassment is defined as conduct which is insulting, intimidating, humiliating, offensive or physically harmful. Types of behavior which constitute harassment include, but are not limited to:

- i. Unwelcomed jokes, innuendo or teasing about a person's looks, body, attire, age, race, religion, sex or sexual orientation
- ii. condescending, patronizing, threatening or punishing actions which undermine self-esteem or diminish performance
- iii. Practical jokes which cause awkwardness or embarrassment, endanger a person's safety or negatively affect performance
- iv. Unwanted or unnecessary physical contact including touching, patting or pinching
- v. Any form of hazing
- vi. Any form of physical assault or abuse
- vii. Any sexual offence
- viii. Behaviors such as those described above which are not directed towards individuals or groups but which have the effect of creating a negative or hostile environment
- ix. Unwelcomed behavior of one individual towards another which the individual ought to have known would be unwanted

b) 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 in 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.

i. Emotional Abuse

Emotional abuse may include 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.

ii. Physical Abuse

Physical abuse includes when a person in a position of power or trust purposefully injures or threatens to injure a child or youth. This may include but is not limited to slapping, hitting, shaking, kicking, pulling hair or ears, throwing, shoving, grabbing, hazing or excessive exercise as a form of punishment.

iii. 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.

Some examples of neglect occurring in a sport environment are:

- *Inadequate Shelter/Unsafe Environments such as:* Lack of maintaining equipment or facility;
- forcing athletes to participate without proper protective equipment.
- *Inadequate Clothing such as:* Preventing athletes from dressing adequately for weather conditions or making them stay in wet clothes as punishment following a game.
- *Inadequate Supervision such as:* Leaving young athletes unsupervised in a facility or on a team trip.
- *Lack of Medical/Dental Care such as:* Ignoring or minimizing injuries; ignoring medical advice; not seeking medical or dental attention when warranted.
- *Inadequate Education such as:* Encouraging athletes to not do homework, to not attend school, or to drop out.
- *Inadequate Rest such as:* Overdoing or increasing workouts as punishment; prohibiting adequate sleeping or resting time.
- *Inadequate Moral Guidance & Discipline such as:* Not providing adequate supervision during team functions;
- Hiring strippers or prostitutes; offering pornography to young athletes.

iv. Sexual Abuse

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

c) **Bullying**

Bullying is defined as hurtful interpersonal mistreatment of a person and is an act of hurting someone in order to insult, humiliate, degrade or exclude him or her. Basically it is “mean” behavior. Bullying may also take the form of cyber bullying which involves bullying over the internet. Bullying can be:

- i. hurting behavior based on oppression and “meanness”
- ii. based on power differential
- iii. intentionally or non-intentional, but can be interpreted to be intentional
- iv. intense repeated over time (generally, but not necessarily)
- v. oppressive – isolates victims
- vi. caused by many factors and behavioral challenges

Hurtful actions may be:

- Physical – i.e.: hitting, kicking, grabbing, shoving, spitting on, beating others up, damaging or stealing another person’s property
- Verbal – i.e.: name-calling, humiliating, degrading behavior, hurtful teasing, threatening someone (this may happen in notes or in person, over the phone, through text messages or the internet)
- Relational – i.e.: making others look foolish, excluding peers, spreading gossip or rumors (this may happen in person, over the phone, through text messages or the internet)
- Reactive – i.e.: engage in bullying as well as provoke bullies to attack by taunting them (this may happen in person, over the phone, through text messages or the internet)

6.4 Reporting H.A.B.

- a) When any person in authority has a reasonable belief that the possibility exists that a minor is being harassed, bullied, abused or neglected, he or she shall report this to Ontario child protection authorities or Police and shall advise the OMHA of having made this report.
- b) The President or his designate, upon becoming aware of a H.A.B infraction shall take such action as deemed necessary in the circumstances, including but not limited to one or more of the following: conducting an investigation, a hearing, imposing interim sanction(s), suspending the person from participating in any activities of the OMHA and/or any other further disciplinary action.
- c) The matter shall then be dealt with as a disciplinary matter and a major infraction. Any report of investigation carried out by authorities may be used as evidence under these Policies and Procedures.

6.5 H.A.B. Complaint

- a) A person who experiences H.A.B., any person who witnesses H.A.B., or any person who believes that H.A.B. has occurred should make it known to the harasser that the behavior is unwelcome, offensive and contrary to the values of the OMHA and these Policies and Procedures.
- b) If confronting the harasser is not possible, or if after confronting the harasser the H.A.B. continues, the matter should be reported to an official of the OMHA.

For the purposes of these Policies and Procedures, an "official" may be a member of the OMHA Board, a Convenor, the Executive Director, or the Chairperson of any OMHA Standing Committee.

- c) An official who either becomes aware of an incident of H.A.B. or receives a complaint, written or otherwise, shall thereby advise the OMHA using the OMHA Complaint Form available from the OMHA office and/or website.
- d) Any member of an Association may make a complaint directly to its Association or directly to the OMHA. If the complaint received at the Association level is a Code of Conduct major infraction or a harassment, abuse or bullying infraction, it shall be forwarded to the OMHA.

6.6 Confidentiality

The OMHA recognizes the sensitive and serious nature of H.A.B. and will strive to keep all matters relating to a complaint of H.A.B. confidential. However, if required by law to disclose information, the OMHA will do so.

6.7 Handling of Major Infractions including H.A.B.

- a) Any member or representative of the OMHA must report a major infraction to the OMHA using the OMHA Complaint Form available from the OMHA Office and/or website.
- b) The OMHA is not required to deal with all complaints. The OMHA may decide not to deal with the complaint if it is of the opinion that:
 - 1. Could be more appropriately dealt with under another policy, rule or regulation within the OMHA or local Association;
 - 2. Is frivolous, vexatious or made in bad faith;
 - 3. Is not within the governing body's jurisdiction, i.e. player selection; or
 - 4. Is based on occurrences that are more than six months old.

If the decision is made not to investigate the complaint, the Complainant will be advised accordingly.

- c) When a major code of conduct or HAB complaint is to be investigated by the OMHA, the President or his designate may determine the complaint ought to be dealt with at the local Association named in the complaint. The Complainant, Respondent and President of the Association named in the complaint will be advised that the complaint is being sent to the local Association. The local Association shall provide the OMHA with their Investigative report as well as subsequent updates of the handling of the complaint including any sanctions imposed.
- d) If the President or his designate decides that the complaint will be dealt with by the OMHA the Complaint, Respondent and President of the Association named in the complaint will be advised that the complaint is being investigated by the OMHA and of any procedure or interim sanction(s) including but not limited to a fact finding investigation and/or hearing no later than Five (5) business days from the date of the receipt of the complaint.

6.8 Factors to be considered when sanctions are to be imposed for Major Infractions:

- a) In applying sanctions, the Code of Conduct Hearing Panel responsible for the matter may have regard to the following aggravating or mitigating circumstances:
 - i. The nature and severity of the offence
 - ii. The individual's acknowledgment of responsibility
 - iii. The individual's extent of remorse
 - iv. The age, maturity or experience of the individual
 - v. The individual's prospects for rehabilitation
 - vi. Whether the incident involved any physical contact
 - vii. Whether the incident was an isolated incident or part of an ongoing pattern
 - viii. The nature of the relationship between the complainant and the individual
 - ix. Whether the individual had been involved in previous incidents
 - x. Whether the individual admitted responsibility and expressed a willingness to change
 - xi. Whether the individual retaliated against the complainant
 - xii. Any other factor(s) the panel deems to be relevant.
- b) Notwithstanding the process set out herein, any member or participant of the OMHA who is convicted of, or being investigated for, a criminal offence including, but not limited to, matters involving sexual exploitation, invitation to sexual touching, sexual interference or sexual assault, shall face an indefinite suspension from participating in any activities of the OMHA and may face further disciplinary action in accordance with the Policies and Procedures set out herein.
- c) Failure to comply with a sanction shall result in automatic suspension of membership in the OMHA or in organizations affiliated with the OMHA, until such time as the sanction is fulfilled.

6.9 Sanctions for Major Infractions

The Code of Conduct Hearing Panel, or the local Association committee hearing the matter may apply the following disciplinary sanctions for major infractions, which may include, but are not limited to, any or all, or any combination thereof, of the following:

- a) Written reprimand to be placed in individual's file
- b) Written or verbal apology by the individual
- c) Suspension from certain OMHA events which may include suspension from the current game or competition or from future competitions
- d) Suspension from certain or all OMHA activities (e.g., competing, coaching or officiating) for a designated period of time
- e) Referral to counseling
- f) Removal of certain privileges of membership

Any other sanction(s) as may be deemed appropriate in the circumstances

7.0 OMHA FACT FINDING INVESTIGATION

- 7.1** An OMHA representative in a position of authority who receives a major complaint written or otherwise shall advise the OMHA office immediately. The OMHA President or his designate shall request that the OMHA Risk Management Officer conduct an investigation. The OMHA Risk Management Officer will assign one of the OMHA fact finding Investigators to conduct an investigation.
- 7.2** The OMHA Investigator shall carry out the investigation within TEN (10) business days (or such other reasonable time as the President or his designate shall allow) and at the conclusion of the investigation shall submit a written report to the Risk Management Officer.
- 7.3** The Risk Management Officer within SEVEN (7) business days (or such reasonable time as the President or his designate shall allow) of receiving the report shall submit his report to the President or designate for review and a decision on the appropriate course of action which may include, but is not limited to, immediate action, interim sanctions if not already invoked, or calling for a Code of Conduct Hearing.
- 7.4** The following decisions resulting from an investigation may be made:
1. The complaint is with merit;
 2. The complaint is without merit;
 3. There is insufficient information to enable a conclusive decision to be made; or
 4. The complaint is outside of the jurisdiction of the investigating body.
- 7.5** Any player, team official, on ice official, parent, director, officer, volunteer, employee or chaperone within the OMHA and/or any of the OHF Member Partners who knowingly brings false complaint against any OMHA Member may be disciplined up to an including dismissal and/or revocation of membership in accordance with the OMHA By-Laws and Regulations.

8.0 INCIDENTS REQUIRING IMMEDIATE RESPONSE

- 8.1** These Policies and Procedures shall not prevent an OMHA representative in a position of authority from taking immediate action at an OMHA activity or event in response to behavior that, in his view, constitutes a contravention of the OMHA Code of Conduct where such action is deemed necessary. The OMHA representative must remove the alleged offender(s) from the OMHA activity and immediately report the incident to the OMHA office. An OMHA complaint form shall be filled out by the Complainant or the OMHA representative and sent to the OMHA office forthwith.

9.0 CODE OF CONDUCT HEARING

- 9.1** On receipt of a complaint written or otherwise or incident being investigated, and upon completion of the RMO's report and deciding a hearing is warranted, the President or his designate will appoint three individuals to serve as the Code of Conduct Hearing Panel and shall appoint one of these persons to serve as the Chairperson of the Panel.
- 9.2** The Code of Conduct Hearing Panel shall hold the hearing within FOURTEEN (14) business days from receipt of the RMO's report or Complaint (written or otherwise) being received by the President or his designate, unless otherwise determined by the President or his designate acting reasonably in the circumstances
- 9.3** The Code of Conduct Hearing Panel has the power to impose sanctions as set out herein.
- 9.4** The Code of Conduct Hearing Panel shall govern the hearing as it sees fit, provided that:
- a) The individual being disciplined or the Complainant and Respondent shall be given SEVEN (7) business days written notice (by email, courier, registered mail or fax) of the day, time and place of the hearing. The Panel may decide to conduct the hearing in person or by telephone or video conference.
 - b) All parties shall receive a copy of the complaint, and any other relevant documentation unless otherwise determined by the President.
 - c) A quorum shall be all 3 Panel members and decisions shall be by majority vote where the Chair carries a vote.
 - d) Both the Complainant and Respondent shall be present at the hearing, and may have legal representation. The Panel or the OMHA may also require its own representative/counsel.
 - e) The individual being disciplined shall have a reasonable opportunity to present evidence and argument.
 - f) The hearing shall be held in public except for those matters dealing with HAB matters which ought to be held in private, or where the President or his designate determines the matter ought to proceed by way of a private hearing.
 - g) The Panel may request that witnesses to the incident be present or submit written evidence which is certified by a Notary Public.
 - h) If at any point in the proceedings, the Complainant becomes reluctant to continue, it shall be at the sole discretion of the Panel to continue the review of the complaint in accordance with the Policies and Procedures set out herein.
 - i) Once appointed, the Panel shall have the authority to abridge or extend timelines associated with all aspects of the hearing.
 - j) The parties will exchange and or provide disclosure of any and all documents or evidence intended to be relied upon THREE (3) business days prior to the hearing.

- 9.5** The Code of Conduct Hearing Panel shall render its decision within FOURTEEN (14) business days of the hearing and submit a written report to the President or his designate. A copy of this decision shall be provided to all of the parties to the hearing.
This report shall contain but shall not be limited to the following:
- a) a summary of the relevant facts
 - b) a determination as to whether the acts complained of constitute an infraction
 - c) disciplinary action to be taken; and
 - d) measures to remedy or mitigate the harm or loss suffered by the Complainant.
- 9.6** Where the facts of the incident can be agreed upon, the Respondent may waive the hearing, in which case the Panel shall be authorized to render the appropriate sanction(s) and may hold a hearing for the purpose of determining an appropriate sanction(s).
- 9.7** If the Respondent chooses not to participate in the hearing, the hearing may be held in his absence.
- 9.8** The decision of the Code of Conduct Hearing Panel may be Appealed to the OHF.

10.0 CODE OF CONDUCT APPEAL

- 10.1** Both the Complainant and Respondent shall have the right to appeal the final decision and/or sanctions of the local Association to the Code of Conduct Appeal Panel, although the appeal will only be heard if sufficient grounds exist and procedures followed, determined by the President or his designate.
- 10.2** The decision of the Code of Conduct Appeal Panel or the OMHA in this matter may be Appealed to the OHF.
- 10.3 Timing of the Code of Conduct Appeal**
- a) An individual ("Appellant") who wishes to appeal the final decision rendered by their local Association to the Code of Conduct Appeal Panel shall have SEVEN (7) business days from the date the decision is received, to submit written notice of their intention to appeal, along with detailed reasons for the appeal, and a non-refundable appeal fee of \$100 by way of a certified cheque to the OMHA.
 - b) Any matter which is appealed to the Code of Conduct Appeal Panel and is to be presented in person shall be subject to a fee of \$200, by way of a certified cheque payable to the Ontario Minor Hockey Association.
 - c) Where a matter is submitted to the Code of Conduct Appeal Panel but is withdrawn at least 48 hours prior to the scheduled appeal date, the appeal fee less \$50 administration fee will be refunded.
 - d) Any party wishing to initiate an appeal beyond the 7 day period must provide a written request stating reasons for an exemption to the requirement of Section

a) above. The decision shall be at the sole discretion of the President or his designate.

10.4 Grounds for a Code of Conduct Appeal

A final decision of the local Association cannot be appealed to the Code of Conduct Appeal Panel without sufficient grounds for the appeal which include:

- a) Making a decision for which it did not have authority or jurisdiction as set out in the OMHA Code of Conduct Policies and Procedures.
- b) Failing to follow procedures as set out herein.
- c) Making a decision which was influenced by bias, where bias is defined as a lack of neutrality to such an extent that the decision-maker is unable to consider other views
- d) Exercising its discretion for an improper purpose
- e) Making a decision which was grossly unreasonable
- f) Any other grounds which the President, or his designate deems sufficient to grant an Appeal which grounds need not be disclosed.

10.5 Screening of the Code of Conduct Appeal

- a) Within SEVEN (7) business days of receiving the notice of appeal, the President or his designate shall decide whether or not the appeal is based on one or more of the categories as set out in Section 10.4.
- b) The President or his designate shall not make a decision as it relates to the merits of the appeal.
- c) If the request for an appeal is denied on the basis of insufficient grounds or reasons, the Appellant shall be notified of this decision in writing, giving reasons. This decision is at the sole discretion of the President or his designate and may only be appealed to the OHF.

10.6 Code of Conduct Appeal Panel

If the President or his designate is satisfied that there are sufficient grounds for an appeal, within FOURTEEN (14) business days of having received the original notice of appeal he shall appoint a Code of Conduct Appeal Panel (the "Panel") comprised of three individuals who are at arm's length with the affected parties, and have no involvement with the matter being appealed, and shall be free of any actual or perceived bias or conflict as determined by the President or his designate, who shall also select a chairperson.

10.7 Code of Conduct Appeal Preliminary Conference

The Panel may determine that the circumstances of the dispute warrant a preliminary conference:

- a) The matters, which may be considered at a preliminary conference include date and location of hearing, timelines for exchange of documents, format for the appeal, clarification of issues in dispute, any procedural matter, order and

- procedure of hearing, remedies being sought, identification of witnesses, and any other matter, which may assist in expediting the appeal proceedings.
- b) The Panel may delegate to its Chairperson the authority to deal with these preliminary matters.

10.8 Procedure for the Code of Conduct Appeal

The Panel shall govern the appeal by such procedures as it deems appropriate, provided that:

- a) The appeal hearing shall be held within FOURTEEN (14) business days of the Panel's appointment.
- b) The Appellant, Respondent and affected parties shall be given SEVEN (7) business days written notice of the date, time and place of the appeal hearing.
- c) Decisions shall be by majority vote, where the Chairperson carries a vote.
- d) Copies of any written documents which any of the parties would like the Panel to consider shall be provided to the Panel, and to all other parties, at least FIVE (5) business days in advance of the hearing.
- e) A representative or advisor, including legal counsel, may accompany any of the parties.
- f) The Panel may direct that any other individual participate in the appeal.
- g) In the event that one of the Panel's members is unable or unwilling to continue with the appeal, the President or his designate shall appoint a replacement.
- h) Unless otherwise agreed by the parties, there shall be no communication between Panel members and the parties regarding the matter except in the presence of, or by copy to, the other parties.
- i) In order to keep costs to a reasonable level the Panel may conduct the appeal by means of a telephone conference call at its discretion.

10.9 Code of Conduct Appeal Decision

Within SEVEN (7) business days of concluding the appeal, the Panel shall issue its written decision, with reasons. In making its decision, the Panel shall have no greater authority than that of the original decision-maker.

The Panel may decide:

- a) To void or confirm the decision being appealed.
- b) To vary the decision where it is found that an error occurred and such an error cannot be corrected by the original decision-maker for reasons which include, but are not limited to, lack of clear procedure, lack of time, or lack of neutrality
- c) Or such other action or decision it deems appropriate.

A copy of this decision shall be provided to each of the parties and to the President or his designate

10.10 Code of Conduct Appeal Timelines

At its sole discretion, the President or designate or the Panel may abridge or extend the timelines in the Policies and Procedures set out herein.

10.11 Code of Conduct Documentary Appeal

Any party to the appeal may request that the Panel conduct the appeal by way of documentary or other evidence but without an in-person hearing. The Panel may seek agreement from all parties to proceed in this fashion. If agreement is not forthcoming, the Panel shall decide whether the appeal shall proceed by way of documentary evidence or in-person hearing.

10.12 Code of Conduct Appeal Location & Jurisdiction

- a) Any appeal shall take place in the geographic region where the infraction originated or a location as determined by the President or his designate, unless held by way of telephone conference call or held elsewhere as may be decided by the Panel as a preliminary matter.
- b) These Procedures shall be governed and construed in accordance with the laws of the Province of Ontario.
- c) No action or legal proceeding shall be commenced against the Ontario Minor Hockey Association in respect of a dispute, unless the Ontario Minor Hockey Association has refused or failed to abide by the appeal provisions as set out in these Policies and Procedures and the matter has been heard by the OHF and Hockey Canada Appeals.

10.13 Code of Conduct Appeal Referral of Dispute

Any party may appeal the decision of the Code of Conduct Appeal Panel to the OHF.

11.00 Abridgment of Time

The President or designate may abridge any time frame imposed by these policies.

Appendix A: DEFINITIONS

The following are definitions that will be used to determine the grounds on which the complaint is made and the process to address it.

The OMHA acknowledges and supports Hockey Canada's definitions of harassment, abuse and bullying.

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 in 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 may include a chronic attack on a child or youth'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 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.

Sexual Abuse

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

Bullying

Bullying describes behaviors that are similar to harassment, but occur between child and youth that are not addressed under human rights laws. Bullying is intentionally (or non-intentional) hurting someone in order to insult, humiliate, degrade or exclude him or her. There are a number of specific categories of Bullying, as set out below:

Physical Bullying:

Hitting, shoving, kicking, spitting on, grabbing, beating others up, damaging or stealing another person's property.

Verbal Bullying:

Name calling, hurtful teasing, humiliating or threatening someone, degrading behaviors; may happen over the phone, through text messaging or chat rooms, through social media sites, in notes or in person.

Relational Bullying:

Trying to cut off victims from social connection by convincing peers to exclude or reject a certain person. This may happen in person, over the phone, through the computer.

Reactive Bullying:

Engaging in bullying as well as provoking bullies to attack by taunting them.

Cyber Bullying:

Involves the use of information and communication technologies such as email, cell phones and text messaging, camera phones, instant messaging, social networking sites such as Facebook and Twitter, defamatory personal websites, to support deliberate, repeated and hostile behavior by an individual or group that is intended to harm others, threaten, harass, embarrass, social exclude or damage reputations and friendships.

Complaint

Any written form of an alleged contravention of the OMHA Code of Conduct.

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 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 a prohibited ground of discrimination in human rights legislation, including race, ethnicity, colour, religion, age, sex, marital status, family status, disability, pardoned conviction and sexual orientation.**

Infraction

Any action or alleged action or complaint that violates the OMHA Code of conduct.

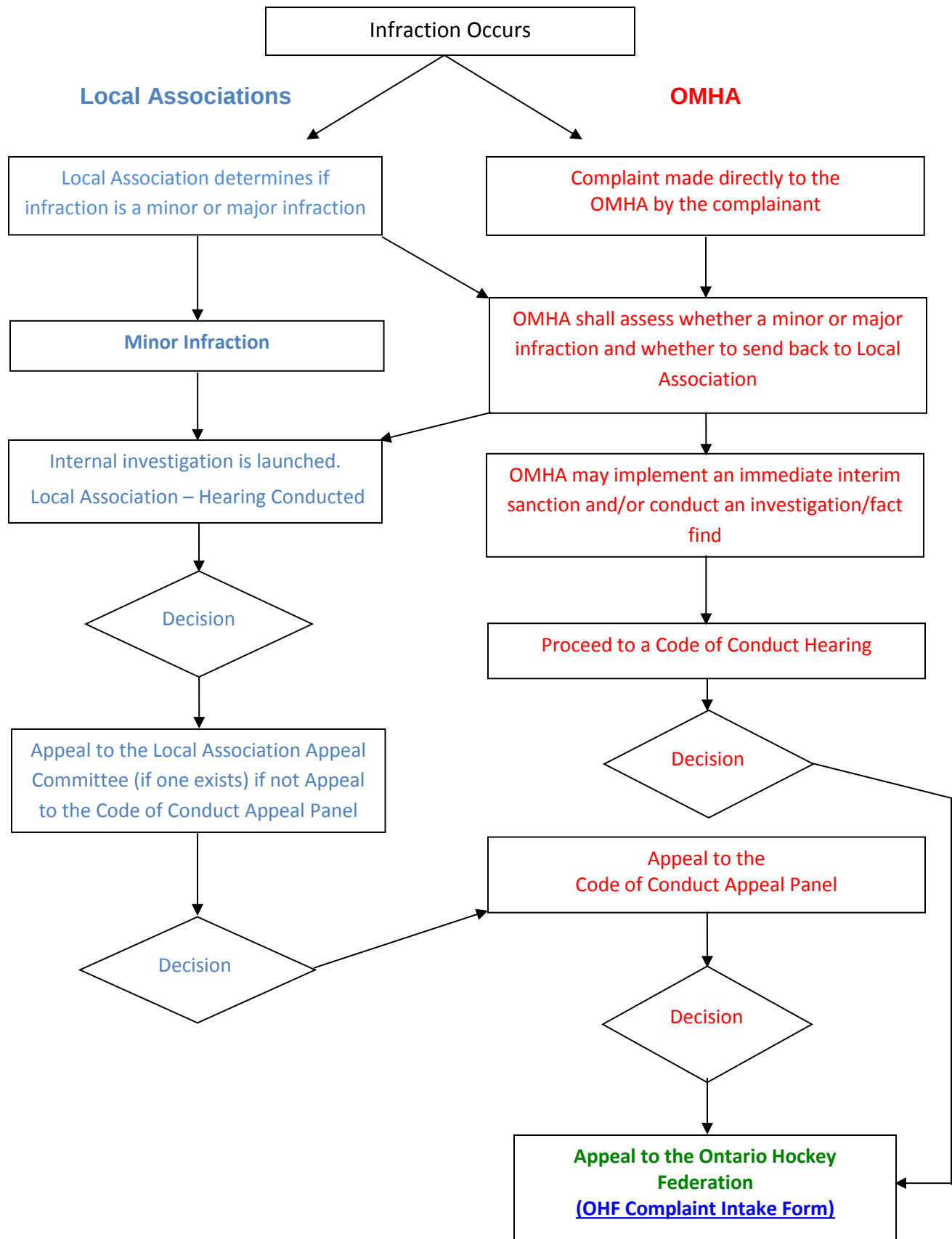
Member

Includes but is not limited to all players, guardians, parents, coaches, officials, volunteers, directors, officers, committee members, convenors, team managers, trainers and administrators involved in OMHA activities and events.

Misconduct

Misconduct refers to the behaviour or a pattern of behaviour that is found, by a formal (for example an independent investigation) or informal process (i.e. for example an internal fact finding); to be contrary to the OMHA Code of Conduct and that is not harassment, abuse or bullying.

OMHA DISPUTE RESOLUTION PROCESS



ONTARIO MINOR HOCKEY ASSOCIATION

COMPLAINT FORM



Please note the following:

- Complaints of harassment, abuse or bullying will not qualify a player for an automatic release.
- Definitions are provided in Appendix A.
- Substantiated allegations of harassment, abuse or bullying will be considered for sanctions ranging in severity.
- The OMHA cannot guarantee complete confidentiality. The contents of this document may be shared in an effort to resolve this complaint. By completing the form, you agree that the OMHA may share some or all of this information in the process of resolving the complaint.
- Complaints will be addressed in accordance with the Code of Conduct Policies and Procedures.
- Fax or email completed form to **905-780-0344** or omha@omha.net

Please complete the following:

1. **Person making the complaint:** ☐ Player ☐ Parent ☐ Volunteer ☐ Official ☐ Employee

First Name		Last Name	
Address			
City/Town	Province	Postal Code	
Telephone Number	Fax Number	Email	

2. **Person on whose behalf the complaint is made:** (to be completed if different from above)

First Name	Last Name
Birth Date (day / month / year)	

3. **Name of person(s) against whom you are complaining:**

First Name	Last Name
Title/Role	Name of Association
First Name	Last Name
Title/Role	Name of Association

4. **When did the incident(s) occur? (date):** _____

ONTARIO MINOR HOCKEY ASSOCIATION

COMPLAINT FORM



5. Please check the ground(s) that best describes your complaint:

A. ☐ Harassment (refer to Appendix A)

Type of behaviour:

☐ Conduct	☐ Gestures	☐ Comments
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Based on:

☐ Race	☐ Ethnicity	☐ Disability	☐ Colour
☐ Religion	☐ Age	☐ Sexual orientation	☐ Sex
☐ Marital status	☐ Family status	☐ Pardoned conviction	

B. ☐ Abuse (refer to Appendix A)

Type of behaviour:

☐ Physical	☐ Emotional	☐ Sexual	☐ Neglect
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Please note: If this matter has been reported to the Police or Child Protective Authorities, the OMHA may through its fact finding process determine that a suspension of the alleged offender is warranted, until such time as the Police and/or Authorities have concluded their investigation, after which a final determination will be made.

C. ☐ Bullying (refer to Appendix A)

Type of behaviour:

☐ Physical	☐ Verbal	☐ Relational	☐ Reactive
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D. ☐ Misconduct (refer to Appendix A)

Please note: Complaints of misconduct will generally be directed to the Local Association for formal or informal resolution according to that organization's constitution or policies.

ONTARIO MINOR HOCKEY ASSOCIATION

COMPLAINT FORM



6. Particulars: Provide a summary of the incidents you are complaining about. Your summary must answer the following questions. Section 6 is to be no longer than 2 pages. You may attach any additional documents as necessary.

1. Date incident(s) happened
2. Where did the incident(s) happen?
3. Who was involved (Name and title/role)?
4. What happened?
5. How were you treated differently from others (if at all)?
6. How do the incident(s) relate to the ground(s) you selected?
7. Remedy/Resolutions you are seeking

Day/Month/Year

Signature of Complainant

COMPLAINT FORM



(6. Continued)

[illegible]

Day/Month/Year

Signature of Complainant

RESOURCES:

Kids Help Phone 1-800-668-6868 or <http://www.kidshelpphone.ca>

Research and useful tips;

www.PREVnet.ca

Bullying prevention programming;

<http://www.redcross.ca/article.asp?id=294&tid=030>



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