



ABUSE AND HARASSMENT POLICY

Objective:

To ensure our members are protected from harassment and abuse. NBMHA follows Hockey Canada policies with regards to harassment and abuse. The following is excerpts from their policy. Legal implications will also be considered. The mission of Hockey Canada is to lead, develop and promote positive hockey experiences.

Applicability:

The Policy applies to players, parents, managers, coaches, conveners and NBMHA Board members.

Definition of abuse:

Child abuse is any form of physical, emotional and/or sexual mistreatment or lack of care which causes physical injury or emotional damage to a child. A common characteristic of all forms of abuse against children and youth is an abuse of power or authority and/or breach of trust. In Ontario, a person is considered a child up to the age of 18 years.

Emotional Abuse

Emotional abuse is a chronic attack on a child'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'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

Neglect is 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. This may occur in hockey when injuries are not adequately treated or players are made to play with injuries, equipment is inadequate or unsafe, no-one intervenes when team members are persistently harassing another player, or road trips are not properly supervised.



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Sexual Abuse

Sexual abuse is when a young person is used by an older child, adolescent or adult for his or her own sexual stimulation or gratification. There are two categories:

Contact

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

Non-Contact

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

Definitions of harassment:

Harassment is a form of discrimination which is prohibited by human rights legislation in Canada. 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. Bullying involves a person expressing their power through the humiliation of another person. Bullying may be a form of harassment but also has some of its own defining characteristics.

The sport setting is one setting in which bullying occurs. In some cases coaches and players use bullying tactics deliberately to motivate performance and to weaken opponents. It is inappropriate behaviours that are typically cruel, demeaning and hostile toward the bullying targets (most commonly occurs between children under the age of twelve but may also constitute behaviours between youth or between adults. Bullying is similar to harassment but the behaviours are not addressed under human rights laws. Bullies are typically cruel, demeaning and hostile towards the targets of their bullying.). The actual issue of bullying is not addressed by the law, except when the behaviour does become a criminal issue – e.g. extortion, physical assault etc.

Bullying can be broken down into four types:

1. Physical (hit or kick victims; take/damage personal property)
2. Verbal (name calling; insults; constant teasing)
3. Relational (try to cut off victims from social connection by convincing peers to exclude or reject a certain person)
4. Cyber bullying



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Process:

It is the NBMHA policy that harassment and bullying in all its forms will not be tolerated during the course of any NBMHA activity or program. Accordingly, all NBMHA personnel (staff, volunteers, team or on-ice officials) and partners (parents, guardians) are responsible for making every reasonable effort to uphold this commitment.

Specifically, this includes refraining from harassing or bullying behaviour, responding promptly and informally to minor incidents of harassment or bullying and following local or national policy guidelines for reporting or responding to more serious complaints of harassment or bullying. Players and other participants are expected to refrain from harassing or bullying behaviour and are encouraged to report incidents of harassment or bullying.

It is important to note that the behaviours, 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 are applicable.

NBMHA recognizes that not all incidents of harassment and bullying are equally serious in their consequences. Both harassment and bullying cover a wide spectrum of behaviours, and the response to both 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 or bullying must be fair to all parties, allowing adequate opportunity for the presentation of a response to the allegations.

Minor incidents of harassment or bullying should be corrected promptly and informally, taking a constructive approach and with the goal of bringing about a change in negative attitudes and behaviour.

More serious incidents should be dealt with according to the appropriate NBMHA 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 may be subject to discipline.