



## Manual of Operations

Title: Harassment, Abuse, Bullying and Misconduct Policy	Number: MO-06-14
Source: LMC	
Approved By: WGHA Board	Date Approved: June 2016 Date Last Reviewed: March 2024

Waterloo Girls Hockey Association (WGHA) is committed to provide an environment that is safe and respectful. The WGHA supports the right of all its members and staff to participate and work in an environment that prohibits discriminatory practices of all kinds and promotes equitable opportunities.

It is the policy of the WGHA that there be no harassment, abuse, bullying or misconduct of any participant in any of its programs.

The WGHA expects every athlete, coach, assistant coach, trainer, manager, official, parent, guardian, family member, director, officer, volunteer, employee, and chaperone within the WGHA to take reasonable steps to safeguard the participants against harassment, abuse, bullying or misconduct.

The WGHA will make all reasonable efforts to promote awareness of the problems of harassment, abuse, bullying and misconduct among all its members.

### DEFINITIONS

#### Legislation

- [1] Child Protection Legislation – Ontario Child and Family Services Act (CFSA) <https://www.canlii.org/en/on/laws/stat/so-2017-c-14-sch-1/latest/so-2017-c-14-sch-1.html>  
<http://www.children.gov.on.ca/htdocs/English/topics/childrensaidthereportingabuse/index.aspx>
- [2] Human Rights Legislation – the Canadian Human Rights Act <http://laws-lois.justice.gc.ca/eng/acts/h-6/>; or the Ontario Human Rights Code <http://www.ohrc.on.ca/en/ontario-human-rights-code>

#### Child

In the Province of Ontario Child means a person between the age of 0 and 18 years.



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### Adult

Adult means a person who has reached the age of maturity. In the Province of Ontario this age is 18 years.

### Bullying

Bullying involves a person expressing their power through the humiliation of another person. Bullying occurs between people at any age and is not addressed under human rights

legislation. 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:

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

The following is a non-exhaustive list of tactics used by bullies to control their targets:

- Unwarranted yelling and screaming directed at the target.
- Continually criticizing the target's abilities
- Blaming the target of the bullying for mistakes
- Making unreasonable demands related to performance
- Repeated insults or put downs of the target
- Repeated threats to remove or restrict opportunities or privileges
- Denying or discounting the target's accomplishment



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- Threats of and actual physical violence

### 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 the Ontario Human Rights Legislation, including race, ethnicity, colour, religion, age, sex, marital status, family status, disability, pardoned conviction, and sexual orientation.

Types of behaviour which constitute harassment include, but are not limited to:

- Unwelcomed jokes, innuendo or teasing about a person's looks, body, attire, age, race, religion, nationality, sex, or sexual orientation.
- Condescending, patronizing, threatening, or punishing actions, based on a ground of
- discrimination, which undermine self-esteem or diminish performance.
- Practical jokes based on a ground of discrimination, which causes awkwardness or
- embarrassment, endanger a person's safety or negatively affects performance.
- Unwanted or unnecessary physical contact including touching, patting, or pinching (in the case
- of minors, this is defined as abuse under the Child and Family Services Act).
- Unwelcome flirtation, sexual advances, requests, or invitations (if minor involved, covered under Child Protection Legislation).
- Behaviours 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.



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### What is criminal harassment?

Criminal harassment—often known as stalking—involves following another person; monitoring them or someone close to them, or their home; contacting them repeatedly against their wishes or threatening them. For a charge of criminal harassment to be laid, the victim must have reason to fear for his/her safety (or the safety of someone else) and the perpetrator must know - or could reasonably be expected to know—that the victim is fearful (Family Violence in Canada, A Statistical Profile, 2001). Criminal charges may also be laid in harassment cases if a person has been physically or sexually assaulted.

### 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.

#### 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 but it is not simply benching a player for disciplinary reasons, cutting a player from a team after tryouts, refusing to transfer a player, limiting ice time, and yelling instructions from the bench.

#### Physical Abuse

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.



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### Neglect

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. 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.

Some examples of neglect occurring in a sport environment are:

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



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### Sexual Abuse

Sexual abuse is when a child is used by a child with more power or an adult for his or her own sexual stimulation or gratification. There are two categories of sexual abuse: contact and non-contact.

#### Contact

- Touch and 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 object or finger
- Sexually oriented hazing

#### Non-Contact

- Obscene calls/remarks on a computer, cell phone or in notes
- Voyeurism
- Shown pornography
- Forced to watch sexual acts
- Sexually intrusive questions or comments
- Indecent exposure
- Forced to pose for sexual photographs or videos
- Forced to self-masturbate
- Forced to watch others masturbate

### Duty to Report

Abuse and neglect are community problems requiring urgent attention. The Ontario Women's Hockey Association (OWHA) is committed to help reduce and prevent the abuse and neglect of participants. The WGHA realizes that persons working closely with children and youth have a special awareness of abusive situations. Therefore, these people have a particular reporting responsibility to ensure the safety of



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Canada's young, by knowing their provincial protection legislation and following through as required.

The Province of Ontario has mandatory reporting laws regarding the abuse and neglect of children and youth, which are contained in Section 72 of the Child and Family Services Act (CFSA).

Consequently, it is the policy of the WGHA that any WGHA personnel (part-time and full-time staff, volunteer, participant, team official, on ice official) or WGHA partner (parent, guardian) who, has reasonable grounds to suspect that a participant is or may be suffering or may have suffered from emotional, physical abuse and neglect and/or sexual abuse shall immediately report the suspicion and the information on which it is based to the local child protection agency and/or the local police detachment.

In Ontario, a person is considered a child up to the age of eighteen. Those involved with the WGHA in providing hockey opportunities for participants understand and agree that abuse or neglect, as defined above, may be the subject of a criminal investigation and/or disciplinary procedures. Failure to report an offence and thereby, failure to provide safety for participants may render the adult who keeps silent legally liable for conviction under the CFSA.

### **Hazing**

Hazing is an initiation practice that may humiliate, demean, degrade, or disgrace a person regardless of location or consent of the participant(s).

### **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 WGHA Code of Conduct and that is not harassment, abuse, or bullying.



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### Complaint

Any allegation, verbal or written, that involves bullying, harassment, abuse, or misconduct within the jurisdiction of the WGHA.

### WGHA Personnel

WGHA personnel include WGHA office employees, and committee chairs and members, Directors and Officers and any other personnel that may be identified by the WGHA President

### Billet

Any individual who applies or is requested to host a traveling player or players for a WGHA sanctioned hockey activity, on his or her premises during periods when the player(s) will otherwise be unsupervised and outside of the care of parent(s), guardian(s), coach, or other designated adult.

### RECEIVING A COMPLAINT

Complaints must be submitted in writing and on the WGHA Complaint Intake Form (Appendix A).

#### WGHA Responsibility:

If a Complaint is directed to the attention of the WGHA, all relevant information will be forwarded to the Director of Concern and Support for follow up and/or investigation.

Upon receipt of a Complaint the Director Concerns and Support will complete an WGHA Complaint Intake Form and submit it to the WGHA President or staff designate.

Upon notification of a Complaint the President WGHA will report the situation and all relevant





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information to the OWHA and Hockey Canada Insurance Department in accordance with Hockey Canada guidelines.

If a Complaint concerns an WGHA Officer, Director, representatives while acting in the capacity of their WGHA position or WGHA Staff, the complaint will be handled by the OWHA, or Hockey Canada when deemed appropriate.

### COMPLAINT ADMINISTRATION

Complaints of abuse, harassment, bullying or misconduct may be handled informally where possible, or formally, but within a reasonable time frame.

The WGHA and any members thereof are not required to deal with all complaints. The WGHA or member thereof may decide not to deal with the complaint if it is of the opinion that it:

- could be more appropriately dealt with under another policy, rule, or regulation;
- is frivolous, vexatious, or made in bad faith;
- is not within the governing body's jurisdiction; or,
- is based on occurrences that are more than six months old.

The WGHA or any member thereof will not deal with any complaint of abuse as defined in the Child Protection Legislation. Any investigation of a complaint of this nature will be left to the police or appropriate child protective agency.

During an investigation by the police or appropriate child protective agency the individual under investigation would be removed from participation.

If a complaint of abuse of a child participant results in a conviction, the WGHA and/or member thereof may discipline the individual convicted.

If a complaint of abuse of a child participant does not result in a conviction, the WGHA and/or member thereof may nevertheless discipline the individual subject to the complaint having merit.



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Consideration of time served during the investigation will be taken into account in any further discipline applied.

Complaints of abuse, harassment, bullying or misconduct will not qualify a player for an automatic release. This is to ensure the safety of all players on the team, not just the one initiating the complaint. If a complaint is substantiated, the primary option is to address the behaviour of the offending party which may include disciplinary action up to and including suspension or removal.

### INVESTIGATION:

All investigations of harassment, bullying or misconduct will be conducted in accordance with the WGHA Privacy Policy. Disclosure of any part of the final report will be provided at the discretion of the WGHA President or designate and where third-party confidentiality is required the report may not be provided. Upon the final determination a summary report may be available to the relevant parties who may include, but are not limited to, the person(s) who initiated the complaint, the person(s) against whom the complaint was made, any person(s) against whom any adverse finding is made.

When the WGHA is conducting an investigation, the report resulting therefrom, will be received by the WGHA League Management Committee for review and determination. Any decision for the WGHA to contact the police on the basis of the Investigation Report will be made by the WGHA President.

In order to remain impartial for the purpose of hearing appeals, the OWHA will not engage in investigations except:

- (a) where it is inappropriate for the WGHA member to do so, or
- (b) if the initial investigation was conducted incorrectly as determined by the OWHA Chairperson and/or President or
- (c) if the complaint involves members from more than one OWHA member Association.



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### League Management Committee:

LMC is required to oversee all investigations within WGHA. To carry out this work LMC may appoint a separate Investigation Panel.

Once directed to do so, an LMC and or an Investigation Panel may not cede its responsibility to:

- complete the investigation and;
- render a decision within the specified timeframe.

The failure of an LMC and or the Investigation Panel to complete an appropriate fact-finding investigation and render a decision, once directed, may result in disciplinary action at the discretion of the WGHA Board of Directors.

LMC and or the Investigation Panel are encouraged to seek guidance from OWHA throughout the investigation.

### INVESTIGATION DECISIONS

The following decisions resulting from any investigation may be made:

- the complaint is with merit;
- the complaint is without merit;
- there is insufficient information to enable a conclusive decision to be made; or
- the complaint is outside of the jurisdiction of the investigating body.

### DISCIPLINE

Any athlete, coach, assistant coach, trainer, manager, official, parent, guardian, family member, director, officer, volunteer, employee or chaperone within the WGHA thereof found in violation of the WGHA *Harassment, Abuse, Bullying and Misconduct Policy* or the WGHA *Code of Conduct*, and/or WGHA *Social Networking Policy* may be disciplined up to and including dismissal and/or revocation of membership in accordance with the WGHA By-Laws, Regulations, Rules, Policies and Procedures.



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Any athlete, coach, assistant coach, trainer, manager, official, parent, guardian, family member, director, officer, volunteer, employee or chaperone within the WGHA who knowingly brings a false complaint against an WGHA participant may be disciplined up to and including dismissal and/or revocation of membership in accordance with the WGHA By-laws, Regulations, Rules, Policies and Procedures.

Any athlete, coach, assistant coach, trainer, manager, official, director, officer, volunteer, employee, or chaperone who is the subject of a complaint of harassment, abuse, bullying or misconduct may be suspended from his or her position, or made subject to other precautions taken for the duration of an investigation. This action will be reviewed by the LMC or other designates on a case-by-case basis in accordance with the WGHA Bylaws, Regulations, Rules, Policies and Procedures.

Any coach, assistant coach, trainer, manager, official, director, officer, volunteer, employee or chaperone who is discovered by means other than a criminal record check to have a conviction that may impact upon their position, may be disciplined up to and including dismissal and/or revocation of membership in accordance with the WGHA By-Laws, Regulations, Rules, Policies and Procedures.

### APPEALS

Except where otherwise provided, an appeal of any disciplinary matter will be regulated and heard in accordance with WGHA *Grievances and Appeals Policy*.

### RESOURCE MATERIALS

*OWHA HARASSMENT, ABUSE, BULLYING AND MISCONDUCT POLICY*

Cyberbullying Resources

<http://www.getcybersafe.gc.ca>

<http://www.needhelpnow.ca>

<http://www.preynet.ca>

**Please note the following:**

- Complaints of harassment, abuse, bullying or misconduct will not qualify a player for an automatic release.
- Definitions are provided below.
- Substantiated allegations of harassment, abuse, bullying or misconduct will be considered for sanctions ranging in severity from: no further action to expulsion.
- The WGHA cannot guarantee complete confidentiality. The contents of this document may be shared in an effort to resolve this complaint here within. By completing the form, you agree that the WGHA may share some or all of this information in the process of resolving the complaint.
- Complaints will be addressed according to severity, resources and safety for participants.
- E-mail completed form to Director Concerns and Support
- Complaints of misconduct will generally be directed to the OWHA Member Team/Association for formal or informal resolution according to that organization's constitution or policies.
- Neither the OWHA, nor any Member thereof will investigate reports of abuse that don't meet the definition provided.

**Please complete the following:**

1. **Person making the complaint:**      Player      Parent   Administrator   Official  
Other

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

## 4. When did the last incident occur? (date): \_\_\_\_\_

## 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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This information will be provided to the appropriate authorities for follow up.

C. **Bullying** (refer to Appendix A)

Type of behaviour:

Physical	Verbal	Relational	Reactive
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D. **Hazing** (refer to Appendix A)

E. **Misconduct** (refer to Appendix A)

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

### DEFINITIONS

The following abbreviated definitions will be used to determine the grounds on which the complaint is made and the process to address it. For the complete definitions please see Section 4 of the OWSA Harassment, Abuse, Bullying and Misconduct Policy.

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#### Bullying

Bullying describes behaviours that are similar to harassment, but occur between children that are not addressed under human rights laws. Bullying is intentionally hurting someone in order to insult, humiliate, degrade or exclude him or her. Bullying can be broken down into six categories: Physical, Verbal, Relational, Reactive, Discriminatory and Cyber.

#### 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 the grounds in human Rights Legislation, such as race, ethnicity, colour, religion, age, sex, marital status, family status, disability, pardoned conviction and sexual orientation..

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#### Abuse

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## Appendix A – Complaint Intake Form

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characteristic of all forms of abuse against children 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](http://www.hockeycanada.ca).

### **Emotional Abuse**

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