



CANADIAN ATHLETIC CLUB

Harassment, Bullying, and Abuse Policy

August 2020



Canadian Athletic Club

Harassment, Bullying, and Abuse Policy

1.0 Recognition and Prevention of Abuse Policy

This policy sets out the principles and practices of CAC with regards to abusive behavior towards participants. CAC follows the policies of Hockey Canada and all abuse complaints will be done as laid out in the Hockey Canada Harassment and Abuse Policy. A step by step guide is included and gives direction on how the investigation is to proceed.

The CAC Hockey Program Administrator, his/her assistant and Category Directors are responsible for the implementation of these policies. In addition, the CAC Hockey Program Administrator and Category Directors are responsible for the following:

- .1 Discouraging and preventing harassment within the CAC.
- .2 Investigating formal complaints of harassment in a sensitive, responsible, and timely manner;
- .3 Imposing appropriate disciplinary or corrective measures when a complaint of harassment has been substantiated, regardless of the position or authority of the offender;
- .4 Providing advice to persons who experience harassment; doing all in their power to support and assist any employee or member of the CAC who experiences harassment by someone who is not an employee or member of the CAC.
- .5 Making all members and employees of the CAC aware of the problem of harassment, and in particular, sexual harassment, and of the procedures contained in these policies;
- .6 Informing both complainants and respondents of the procedures contained in these policies and of their rights under the law;
- .7 Regularly reviewing the terms of these policies to ensure that they adequately meet the organization's legal obligations and public policy objectives;
- .8 Obtain the training and resources they need to fulfill their responsibilities under these policies; and
- .9 Assist with the appointment of unbiased case review panels and appeal bodies and providing the resources and support they need to fulfill their responsibilities under these policies.

Every member of the CAC has a responsibility to play a part in ensuring that the CAC sport environment is free from harassment / bullying. This means not engaging in, allowing, condoning, or ignoring behavior contrary to these policies. In addition, any member of the CAC who believes that a fellow member has experienced or is experiencing harassment/bullying is encouraged to notify a Category Director.

In the event that either the CAC Hockey Program Administrator or a Category Director are involved in a complaint that is made under these Policies, the CAC President shall appoint a suitable alternate for the purposes of dealing with the complaint.

A. CANADIAN ATHLETIC CLUB HARASSMENT/ BULLYING POLICY

Some behaviors, which are defined as abuse when a child or youth's protection is at risk, can also constitute harassment or bullying, when the behavior breaches human rights or appropriate relationship/conduct boundaries. CAC's Harassment/Bullying Policy covers such behaviors. Together, the two policies address the entire spectrum of abusive, bullying, and harassing behaviors.

Harassment is offensive, degrading, and threatening. In its most extreme forms, harassment can be an offence under Canada's Criminal Code.

Whether the harasser is a member, player, coach, parent or executive, harassment is an attempt by one person to assert abusive, unwarranted power over another.

CAC is committed to providing a sport environment free of harassment on the basis of race, national or ethnic origin, color, religion, age, sex, sexual orientation, marital status, family status, disability, or pardoned conviction.

Note: A special provision in criminal law permits a pardon. An individual must apply for a pardon. A criminal who has served her or his sentence is not considered "pardoned".

- .1) This policy applies to all members, players, parents, executives and Coaches of CAC. The CAC encourages the reporting of all incidents of harassment / bullying, regardless of who the offender may be.
- .2) This policy applies to harassment / bullying which may occur during the course of all CAC business, activities, and events. It also applies to harassment / bullying between individuals associated with the CAC but outside the CAC business, activities, and events when such harassment adversely affects relationships within the CAC work and sport environment.
- .3) Notwithstanding this policy, every person who experiences harassment / bullying continues to have the right to seek assistance from their provincial human rights commission, even when steps are being taken under this policy.

B. STATEMENT OF PURPOSE

Canadian Athletic Club is part of the sporting community in our province that is committed to seeking better ways to keep our youth safe. Protecting participants from all forms of abuse and neglect, whether emotional, physical or sexual, is an important element of safety. The Canadian Athletic Club considers any form of abuse or neglect to be unacceptable and will do all it can to prevent this intolerable social problem. To this end, the Canadian Athletic Club will promote awareness of all forms of abuse and neglect by providing educational materials and programs (prepared by Hockey Canada) for participants, parents, volunteers, and staff members. Through the use of these strategies, the Canadian Athletic Club will send a clear message to all potential abusers and sexual predators that hockey participants are not easy targets. The CAC is committed to the highest possible standards of care for its participants.

C. POLICY

It is the policy of CAC that there shall be no abuse and neglect, whether physical, emotional or sexual of any participant in any of its programs. CAC 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.

1.1 DEFINITIONS OF ABUSE

Child abuse is any form of physical, emotional and/or sexual mistreatment or lack of care that 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 Alberta, a person is considered a child up to the age of 18.

EMOTIONAL ABUSE

Emotional abuse is a chronic attack on a child's self-esteem; it is psychologically destructive behavior by a person in a position of power, authority or trust. It can take the form of name-calling, 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.

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

D. DUTY TO REPORT

Abuse and neglect are community problems requiring urgent attention. CAC is committed to help reduce and prevent the abuse and neglect of participants. CAC 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 our young, by knowing their provincial protection acts and following through as required.

Every province in Canada, has mandatory reporting laws regarding the abuse and neglect of children and youth. It is the policy of CAC that any CAC personnel (part-time and full-time staff, volunteer, participant, team official, on ice official, 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.

Those involved with the Canadian Athletic Club 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 provincial child protection acts.

1.2 WRITTEN and CYBER BULLYING POLICY

The Canadian Athletic Club is committed to help reduce and prevent the bullying of participants at the Club. Written and Cyber bullying is defined as harmful actions that are communicated via written or electronic media and are intended to embarrass, harm, or slander a player, coach, manager, trainer, director, or referee.

Examples of the bullying policy are as follows:

- Continually criticizing the target's abilities.
- Blaming the target of the bullying for mistakes.
- Repeated insults or put downs of the target.
- Denying or discounting the targets accomplishments.
- Treats of and actual physical violence toward the target.

In general terms, this is "mean" behavior. It involves three groups of people: the bullies, the bullied and the bystanders. Hurtful actions may include the following:

Physical

- hitting
- shoving
- kicking
- spitting on
- grabbing
- beating others up
- damaging or stealing another person's property

Verbal

- name-calling
- humiliating
- degrading behaviors
- may happen over the phone
- hurtful teasing
- threatening someone
- in notes or in person
- through text messaging or chat rooms

Relational

- making others look foolish
- excluding peers
- spreading gossip or rumors

- this may happen in person, over the phone, through text messaging, or over the computer

Cyber-Bullying

(Includes the use of email, cell phones, text messages, and internet sites)

- Pretend they are other people on-line to trick others
- Send threatening or harassing emails
- Spread lies and rumors about the people they are victimizing
- Trick people into revealing personal information
- Send or forward mean text messages
- Post pictures of people without their consent

Bullying is not...

- Conflict between friends
- An argument between people of equal power
- Accidental
- Normal relational development challenges
- A "one-time" event (usually)
- Friendly teasing that all parties are enjoying
- Something people grow out of

Bullying is....

- Hurting behaviors based on oppression and "meanness"
- Based on power differentials
- Intentionally harmful
- Intense and long in duration
- Repeated over time (generally)
- Oppressive – isolates victims
- Caused by many factors and behavioral challenges

Bullying of any sort, including through the use of social media, is not condoned. Severe disciplinary consequences for inappropriate comments made by or about any coach, manager, parent, player, director, or referee through any social media. If deemed appropriate, the police may become involved.

Note: Cell phones of any kind are not to be used in the dressing rooms at practices or games. See CAC Cameras, Cell Phones, and Other Recording Devices Policy).

Written and/or cyber bullying at CAC will be dealt with as follows:

- 1) Information will be gathered from sources pertaining to the incident and reviewed by members of the hockey committee.
- 2) Executive members may be called upon for input on an individual basis for certain cases.

3) First offence under the policy is a three game suspension and supplementary discipline as recommended by the hockey committee.

4) Second offence is an indefinite suspension by the club. The player will remain under suspension while the case is investigated by Hockey Edmonton.

Note: Should there be a need for City of Edmonton Police involvement, all information will be passed to the local authorities.

1.3 CAC HARASSMENT & BULLYING COMPLAINT PROCEDURES

Note: For convenience, in this policy the term "Complainant" refers to the person who experiences harassment/bullying, even though not all persons who experience harassment or bullying will make a formal complaint. The term "Respondent" refers to the person against whom a complaint is made.

1.3.1 APPLICATION

This policy applies to all Canadian Athletic Club Directors, officers, employees, volunteers, players and members. It applies to harassment and bullying that may occur during the course of all Canadian Athletic Club business, activities and events.

1.3.2 MINOR INSTANCES OF HARASSMENT/BULLYING

This policy does not prevent an appropriate person having authority from taking immediate, informal, corrective disciplinary action in response to behaviour that, in their view, constitutes a minor incident of harassment or bullying.

1.3.3 REPORTING HARASSMENT/BULLYING

.1) A person who experiences harassment or bullying is encouraged to make it known to the alleged harasser or bully that the behavior is unwelcome, offensive and contrary to the policies of the Canadian Athletic Club.

.2) If confronting the alleged harasser or the bully is not possible, or if after confronting the alleged harasser or bully the harassment or bullying continues, the complainant should seek the advice of a CAC Category Director.

.3) Where a third party person believes that a player, coach, trainer, Director, member of CAC, the Executive, employee, or volunteer has experienced or is experiencing harassment or bullying and reports this belief to a Category Director, the Category Director will meet with the person said to have experienced harassment or bullying and proceed in accordance with these procedures.

.4) Once contacted by a Complainant or a third party, the role of the Category Director is to serve in a neutral, unbiased capacity in receiving the complaint and, where appropriate, assist in the informal resolution of the situation. If the Category Director considers that he or she is unable to act in this capacity, the Complainant will be referred to the Hockey Program Administrator.

.5) Where a Category Director believes there is sufficient evidence to warrant making a formal complaint but the Complainant does not wish to do so, the Category Director may make a formal complaint and proceed in accordance with these procedures.

1.3.4 RECEIVING OF COMPLAINT

.1) Once a complaint is received the Category Director will listen to the complaint and receive the information to support the claim. The Category Director will explain the CAC procedure and outline the remedies available to the complainant. The Category Director will document the meeting.

1.3.5 COMPLAINT PROCEDURE

.1) There are four possible outcomes to this initial meeting of complainant and the Category Director:

.1 The complainant and the Category Director agree that the conduct does not constitute harassment.

.1) If this occurs, the Category Director will take no further action and will make no written record.

.2 The complainant brings evidence of harassment and chooses to pursue an informal resolution of the complaint

.1) If this occurs, the Category Director will assist the two parties to negotiate a solution acceptable to the complaint. If desired by the parties and if appropriate, the Category Director may also seek the assistance of a neutral mediator.

.2) If informal resolution yields a result that is acceptable to both parties, the Category Director will make a written record given to the HPA that a complaint was made and was resolved informally to the satisfaction of both parties, and will take no further action.

.3) If informal resolution fails to satisfy the complaint, the complainant will reserve the option of laying a formal written complaint.

.3 The complainant brings evidence of harassment and decides to lay a formal written complaint.

.1) If this occurs, the Category Director will assist the complainant in drafting a formal written complaint, to be signed by the complainant, and a copy given to the respondent without delay. The written complaint should set out the details of the incident(s), the names of any witnesses to the incident(s), and should be dated and signed.

.2) The respondent will be given an opportunity to provide a written response to the complaint. The Category Director may assist the respondent in preparing this response.

.4 The complainant brings evidence of harassment but does not wish to lay a formal complaint.

.1) If this occurs, the Category Director must decide if the alleged harassment is serious enough to warrant laying a formal written complaint, even if it is against the wishes of the complainant.

.2) When the Category Director decides that the evidence and surrounding circumstances require a formal written complaint, the category director will issue a formal written complaint and, without delay, provide copies of the complaint to both the complainant and the respondent.

.5 As soon as possible after receiving the written complaint, but within seven days, the Category Director shall submit a report to the HPA, containing the documentation filed by both parties along with a recommendation that

.1) No further action be taken because the complaint is unfounded or the conduct cannot reasonably be said to fall within this policy's definition of harassment; or

.2) The complaint should be investigated further.

.3) A copy of this report shall be provided, without delay, to both the complainant and the respondent.

.6 In the event that the Category Directors' recommendation is to proceed with an investigation, the *Hockey Program Administrator* shall within five days appoint the five person *Disputes and Arbitration committee* to serve as a case review panel. This panel shall consist of at least one woman and at least one man if possible. To ensure freedom from bias, no member of the panel shall have a significant personal or professional relationship with either the complainant or the respondent.

.7 Within seven days of its appointment, the *Disputes and Arbitration committee* shall convene a hearing. The hearing shall be governed by such procedures as the committee may decide, provided that

.1) The complainant and respondent shall be given seven days notice, in writing, of the day, time and place of the hearing.

.2) The Hockey Program Administrator shall chair the hearing.

.3) A quorum shall be all five panel members.

.4) Decisions shall be by majority vote. If a majority vote decision is not possible, the decision of the chairperson will be the decision of the panel.

.5) The hearing shall be held in private

.6) Minutes of the hearing shall be taken.

.7) Both parties shall be present at the hearing to give evidence and to answer questions of the other party and of the panel. If the complainant does not appear, the matter will be dismissed, (unless the complainant decided not to lay a formal complaint, but the category director concluded that the evidence and surrounding circumstances were such as to require a formal written complaint). If the respondent does not appear, the hearing will proceed.

.8) A legal representative or adviser may accompany the complainant and respondent. However, five days notice shall be given before the hearing if either party plans to retain legal council to attend the hearing.

.8 If the panel determines that the allegations of harassment are false, vexatious, retaliatory, or unfounded, their report shall recommend disciplinary action against the complainant.

.9 When determining appropriate disciplinary action and corrective measures, the case review panel shall consider factors such as the following:

.1) The nature of the harassment;

.2) Whether the harassment involved any physical contact;

.3) Whether the harassment was an isolated incident or part of an ongoing pattern;

.4) The nature of the relationship between complainant and harasser;

.5) The age of the complainant;

.6) Whether the harasser had been involved in previous harassment incidents;

.7) Whether the harasser admitted responsibility and expressed a willingness to change; and

.8) Whether the harasser retaliated against the complainant.

.10 In recommending disciplinary sanctions, the panel may consider the following options, singly or in combination, depending on the severity of the harassment:

.1) A verbal apology;

.2) A written apology;

.3) A letter of reprimand from the sport organization;

- .4) A fine or levy;
- .5) Referral to counseling;
- .6) Removal of certain privileges of membership or employment;
- .8) Demotion or a pay cut;
- .9) Temporary suspension with or without pay;
- .10) Termination of employment or contract; or
- .12) Expulsion from membership.

11. Unless the Panel decides otherwise, any disciplinary sanctions applied shall take effect immediately.

.12 A copy of the report of the case review panel shall be provided, without delay, to both the complainant and the respondent within 14 business days of the conclusion of the hearing, the Panel will deliver its written Decision to the President or designate, the Complainant and Respondent. This Decision will contain the following:

- a) A summary of the relevant facts;
- b) A determination as to whether the acts complained of constitute harassment or bullying as defined in this policy;
- c) Disciplinary action against the Respondent, if the acts constitute harassment or bullying.
- d) In addition, the decision may contain measures to remedy or mitigate the harm or loss suffered by the Complainant, if the acts constitute harassment or bullying.

.13 Where the investigation does not result in a finding of harassment, a copy of the report of the case review panel shall be placed in the Clubs archive vault. These files shall be kept confidential and access to them shall be restricted to the CAC Hockey Program Administrator, and Executive.

.14 Where the investigation results in a finding of harassment, a copy of the report of the case review panel shall be placed in the personnel or membership file of the respondent. Unless the findings of the panel are overturned upon appeal, this report shall be retained for a period of 10 years, unless new circumstances dictate that the report should be kept for a longer period of time.

.15 The decision of the Panel will be final and binding upon the Complainant, and the Respondent. Appeals to this process must be carried out according to the process outlined below.

1.3.6 APPEALS

.1 Both the Complainant and the Respondent shall have the right to appeal the decision and recommendations of the Disputes and Arbitration Committee. A notice of intention to appeal, along with the grounds for appeal, and **a cheque payable to CAC in the amount of \$500.00** must be provided to the CAC President within seven days of the Complainant or Respondent as applicable receiving the Committee's report. The notice must include the grounds upon which the decision is being appealed.

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

- Committee members did not follow the procedure set out in this policy
- Members of the Committee were biased or acted in an unfair manner.
- Committee members reached a decision which could not be supported by the evidence.
- Committee members reached a decision which was grossly unfair or unreasonable.

.2 In the event that a notice of appeal is filed, the President shall appoint a minimum of three Executive members to constitute the appeal body. This appeal body shall consist of at least one woman and at least one man, where possible. These individuals must have no significant personal or professional involvement with either the complainant or respondent, and no prior involvement in the dispute between them.

.3 The appeal body shall base its decision solely on a review of the documentation surrounding the complaint, including the complainant and respondent's statements, the reports of the Category Director and the Disputes and Arbitration Committee review, and the notice of appeal.

.4 Within 10 days of its appointment, the appeal body shall present its findings in a report to the CAC Hockey Program Administrator and President. The appeal body shall have the authority to uphold the decision of the panel, to reverse the decision of the panel, and/or to modify any of the panel's recommendations for disciplinary action or remedial measures.

.5 A copy of the appeal body's report shall be provided, without delay, to the complainant and respondent.

.6 If the complainant or the respondent are not satisfied, they have the right to appeal to Hockey Edmonton, Hockey Alberta, or Hockey Canada.

1.3.7 Record Keeping and Confidentiality

.1 The President of the Canadian Athletic Club shall keep a secure record of the Panel report and any appeal proceedings, and maintain these records for a minimum period of two years. The record shall contain all relevant documents including, but not limited to, the following:

- A copy of the original complaint and report
- Responses to the complaint
- Terms of reference of the investigator
- Interim measures (if any)
- Witness statements
- Investigator's report
- Mediated solution (signed agreement)
- Decision of the Panel
- Sanctions imposed (if any)
- Any other related correspondence
- Any appeal(s) (if any)
- Decision of the Appeal board

.2 To the extent possible the above documents and documents resulting from a violation of the Harassment/Bullying Policy will be held in confidence by the Canadian Athletic Club. However, no absolute guarantee of confidentiality may be made by the CAC.

Circumstances in which information may be shared include the following:

- When criminal conduct may be involved
- When it is believed necessary to protect others from harassment or bullying
- When required to ensure fairness or natural justice in the procedures in this policy
- In the course of an investigation by a law enforcement agency
- To protect the interests of the Canadian Athletic Club
- When required by law

.3 The Canadian Athletic Club recognizes the sensitive nature of harassment and bullying matters and in particular, the difficulties associated with coming forward with a complaint of harassment or bullying and with being accused of harassment or bullying. CAC recognizes the interests of both the Complainant and the Respondent in keeping any matter being dealt with under this policy confidential, except where disclosure is required by a disciplinary proceeding or by law.

2.0 Ratification

This policy was reaffirmed and ratified by the CAC Executive on August 27, 2020.