



PROMOTING POSITIVE BEHAVIOUR POLICY

The Ontario Women's Hockey Association (OWHA) has adopted the Universal Code of Conduct to Prevent and Address Maltreatment in Sport Version 2022 (6.0) (Link to the document: <https://sportintegritycommissioner.ca/files/UCCMS-v6.0-20220531.pdf>) (the "UCCMS")

Compliance with the UCCMS, the OWHA Code(s) of Conduct, OWHA By-Laws, Rules, Regulations, Policies and decisions of the OWHA Board of Directors are requirements of membership and participation in the OWHA as we work together in support of a safe and welcoming environment that enhances the participant experience with a focus on positive physical and mental health.

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1. POLICY STATEMENT

- 1.1 The OWHA is committed to contributing to the physical, psychological, social and spiritual health of individuals of varying abilities, backgrounds and interests. The OWHA firmly believes that every Registered Participant has a role to play in creating safe and inclusive environments, that allow every Registered Participant an athletic experience built on these cornerstones of health to be realized. Registered Participants in the OWHA's programming should have the reasonable expectation that the OWHA will provide an environment that is safe, accessible, inclusive and is free from all forms of Maltreatment, Bullying, Harassment and Misconduct and an environment where all Registered Participants display the values of the OWHA through acting with integrity, creating accessibility, making hockey fun, operating safely, all with a progressive approach to better the hockey experience.

2. PURPOSES & SCOPE

- 2.1 The purposes of the Respect and Expectation Policy (the "Policy") are:
 - 2.1.1 To provide a safe environment for Registered Participants in the OWHA's programming;
 - 2.1.2 To promote a commitment to eliminating Maltreatment, Bullying, Harassment and Misconduct for all Registered Participants through education, awareness and prevention.
 - 2.1.3 To establish principles and guidelines, as well as appropriate responses to instances of Maltreatment, Bullying, Harassment and Misconduct.
 - 2.1.4 To guide behaviour and culture that is expected of Registered Participants within the OWHA.
- 2.2 The Policy applies to all Registered Participants, provided the behaviour occurs in any one or a combination of the following situations:
 - 2.2.1 During any hockey activities which are sanctioned by Hockey Canada through the OWHA and its Members;
 - 2.2.2 When the Registered Participant who is alleged to have violated this Policy was engaging in hockey activities sanctioned by Hockey Canada through the OWHA and its Members;
 - 2.2.3 When the Registered Participants involved interacted due to their mutual involvement in hockey sanctioned by Hockey Canada through the OWHA and its Members; or
 - 2.2.4 When the behaviour has a serious and/or detrimental impact on reputation of Hockey Canada, the OWHA and its Members.

3. EXPECTATIONS OF REGISTERED PARTICIPANTS

- 3.1 Every Registered Participant within the OWHA should strive to:
 - 3.1.1 Ensure their intentions, actions and efforts reflect a commitment to prioritizing the safety of all Registered Participants.
 - 3.1.2 Treat others with respect and dignity.
 - 3.1.3 Demonstrate the spirit of sportsmanship, leadership and ethical conduct.
 - 3.1.4 Demonstrate respect for the diversity of individuals.
 - 3.1.5 Act to correct or prevent practices that are unjustly Discriminatory.
 - 3.1.6 Treat individuals fairly and reasonably.
 - 3.1.7 Ensure adherence to the rules of the sport and the spirit of the rules.
 - 3.1.8 Immediately Report any acts or suspicions of Maltreatment or other Prohibited Behaviours.
 - 3.1.9 Foster meaningful inclusion of all individuals.
 - 3.1.10 Identify and engage in conversations that lead to positive behaviour change.
 - 3.1.11 Accept and consider feedback with respect to their own actions and take positive steps to resolve the concerns raised.
 - 3.1.12 Establish, respect, and maintain appropriate boundaries with Registered Participants.
 - 3.1.13 Ensure all interactions and communications are consistent with the role of the Registered Participant in relation to OWHA programming and carried out in a way that is transparent to other Registered Participants and promotes the concept of individual accountability.
 - 3.1.14 Monitor their own behaviours and behaviours of others.
 - 3.1.15 Treat all Disclosures, allegations or suspicions of Maltreatment seriously.
 - 3.1.16 Abstain from all forms of Prohibited Behaviours, as outlined in UCCMS.
 - 3.2 All Registered Participants in a position of trust or authority have a responsibility to:
 - 3.2.1 Protect the health and well-being of all Registered Participants.
 - 3.2.2 Prevent or mitigate opportunities for Maltreatment and other Prohibited Behaviours.
 - 3.2.3 Respond appropriately to incidents of Maltreatment.
 - 3.2.4 Incorporate best practices to recognize systemic bias, unconscious bias, and other Discriminatory practices.
 - 3.2.5 Respond quickly and effectively to eliminate Discriminatory practices.
 - 3.2.6 Recognize when they are in a position of Power Imbalance.
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4. COMMITMENT TO REPORTING MALTREATMENT, BULLYING, HARASSMENT AND MISCONDUCT

- 4.1 Maltreatment, Harassment, Bullying and Misconduct in all its forms will not be tolerated. Accordingly, all Registered Participants are responsible for making every reasonable effort to uphold this commitment. Registered Participants can expect to have an environment free from Maltreatment, Bullying or Harassment.
 - 4.2 All Registered Participants have a duty to report any form of Maltreatment, Bullying, Harassment or Misconduct as soon as practical under the circumstances. The obligation to report is an ongoing one and is not satisfied by making an initial report. The obligation includes reporting, on a timely basis, all relevant information of which the Registered Participant becomes aware. As noted elsewhere in this Policy, Registered Participants may have a corresponding duty to report the offending behaviour to law enforcement depending on the nature of the Maltreatment, Bullying or Harassment.
 - 4.4 Registered Participants should not investigate or attempt to evaluate the credibility or validity of allegations. Registered Participants making a good faith report are not required to prove that the reports are true before reporting.
 - 4.5 A Registered Participant who is aware of Maltreatment, Bullying, Harassment or Misconduct but does not report it as required by this Policy will be subject to sanction where appropriate.
 - 4.6 All Complaints against a Registered Participant should be made directly to the ITP, and should be copied to the OWHA when the complainant is comfortable doing so. A link to make a direct complaint to the ITP is displayed prominently on the OW's website. However, where Hockey Canada or the OWHA receive a Complaint directly, it will immediately refer the matter to the ITP for handling.
 - 4.7 The ITP will conduct an initial review of any Complaint it receives to determine whether, in the ITP's estimation, the matter falls within the jurisdiction of OSIC or a provincial safe sport body. If it does, then before the referral occurs, the ITP will notify the Complainant or the relevant provincial safe sport body that they are referring the Complaint to OSIC.
 - 4.8 At its discretion, OWHA or an Association may act as the Complainant and initiate the Complaint process under the terms of this Policy. For instances involving the OWHA, a decision as to whether to initiate a Complaint will be taken by the OWHA Chair of the Board, in consultation with the Board of Directors and/or staff, in accordance with its policy and procedures. Each Association shall determine its own process for determining who has the authority to initiate a Complaint under this paragraph. In all cases where OWHA or an Association elects to initiate a Complaint, OWHA or the Association, as the case may be, will identify an individual to represent the organization.
 - 4.9 Complaints should be made in writing, wherever possible. The ITP may receive a Complaint that is not in writing at its sole discretion. The ITP will accept anonymous Complaints.
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- 4.10 The ITP may request additional information from a Complainant during the screening process.
- 4.11 If Complaints are received which do not contain allegations relating to a Registered Participant (for example, if the Complaint relates to someone who is participating in a non-sanctioned league), then the ITP will dismiss the Complaint immediately. The Complainant will be advised regarding the reasons for the summary dismissal, and such decision cannot be appealed. Note that even if a Complaint has been summarily dismissed, there may be other avenues for the Complaint to be brought. While the ITP, Hockey Canada, OWHA or an Association may endeavour to assist, the ITP, Hockey Canada, OWHA and the Association are not responsible for providing such advice or any direction to the Complainant in that regard.
- 4.12 Complaints may be brought by a Minor. Minors may, but are not required to, have a parent/guardian or other adult serve as their representative during the process set out in the Policy. For clarity, a Complaint will not be rejected on the sole basis that it was submitted by a Minor and not by a parent/guardian.

5. COMPLAINTS RETURNED TO THE OWHA BY THE ITP

- 5.1 Any complaint submissions that are not covered under the definition of Serious Misconduct in the Hockey Canada Policy will be returned to the Ontario Women's Hockey Association by the ITP to be review in accordance with OWHA By-Laws, Rules, Regulations and Policies.
 - 5.2 Each returned case will be sent to the OWHA to determine if it falls within 5.4.
 - 5.3 If the case falls within 5.4 the OWHA will vet each case to determine which of the following processes will be applied and if the case doesn't fall within 5.4 the Association will decide which process will be applied:
 - 5.3.1 The complaint is a request pursuant to the regulations of the OWHA or an Association and will follow the appropriate Appeal Process of the original decision; or
 - 5.3.2 The complaint is deemed to be potential Misconduct or violation of one of the OWHA Codes of Conduct and will follow an internal investigation process by the OWHA as set out in 5.4 or by the Association as set out in 5.5.
 - 5.4 OWHA Responsibility:
 - 5.4.1 When a Complaint concerns an OWHA Director, representatives while acting in the capacity of their OWHA position or OWHA Staff, the complaint will be handled either by the OWHA or Hockey Canada when deemed appropriate.
 - 5.4.2 The OWHA will conduct investigations in accordance with Section 6.
 - 5.5 Association Responsibility:
 - 5.5.1 Associations shall designate one person or committee to accept complaints originating from the ITP within their jurisdiction. This person will be the president or designated contact person for the Association.
 - 5.5.2 Upon receipt of a Complaint returned from the ITP through the OWHA that meets the requirements of 5.3.2, the Association will conduct an investigation consistent with Section 6 of this policy.
 - 5.5.3 Associations will provide a report to the OWHA when a complaint of Maltreatment, Harassment, Bullying and Misconduct is received and will provide updates on action taken and on its decision. Decisions may be appealed to the OWHA in accordance with its policies.
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6. INVESTIGATIONS

- 6.1 The OWHA is committed to investigating all reports of Misconduct under the OWHA Codes of Conduct involving Registered Participants. The investigation will adhere to all principles of natural justice, providing procedural and substantive due process for all parties to the investigation. Note that the OWHA may be unable to investigate the conduct of a Registered Participant in instances where law enforcement are conducting a parallel investigation.
 - 6.2 At the outset of each investigation, the OWHA will consider whether interim suspensions or other restrictions on participation should be put in place pending the completion of the investigation. Such measures may be appropriate depending on the nature of the allegations and the information contained in the complaint.
 - 6.3 Interference with or manipulation of the process is strictly forbidden. It is a violation of this process if any party to the investigation does any of the following:
 - 6.3.1 Falsifies, distorts, or misrepresents information, the resolution process, or an outcome;
 - 6.3.2 Destroys or conceals information;
 - 6.3.3 Attempts to discourage an individual's proper participation in the investigation or from reporting an incident;
 - 6.3.4 Harasses or intimidates (verbally or physically) any person involved in the investigation before, during, and/or following any investigation;
 - 6.3.5 Publicly discloses a party's identifying information, without that party's agreement;
 - 6.3.6 Fails to comply with any temporary or provisional measure or other final sanction;
 - 6.3.7 Distributes or otherwise publicizes materials a party gains access to during an investigation or hearing, except as required by law or as expressly permitted; or
 - 6.3.8 Influences or attempts to influence another person to interfere with or manipulate the process.
 - 6.4 If a party to an investigation is found to have engaged in any of the above noted activities, they will become subject to the sanctions listed in this Policy.
 - 6.5 Reprisal taken against any Complainant will not be tolerated. A Registered Participant engaged in reprisal or retaliation will be subject to the sanctions listed in this Policy.
 - 6.6 In order to avoid conflict of interest or perceived conflict of interest, the OWHA will not engage in investigations except: (a) where it is inappropriate for the Association to do so, or (b) if the complaint involves 2 or more Associations.
 - 6.7 All investigations of Misconduct will be conducted in accordance with the OWHA policies and guidelines. Disclosure of any part of the final report will be provided at the discretion of the OWHA Chair of the Board or designate and where third-party confidentiality is required the full 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.
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- 6.8 When the OWHA is conducting an investigation, the report resulting therefrom, will be received by the OWHA designated staff for review and determination.
- 6.9 Any decision for the OWHA to contact the police on the basis of the Investigation Report will be made by the OWHA President or designate.
- 6.10 Association Responsibility
- 6.10.1. Associations are required to oversee all investigations within their jurisdiction when it involves only participants within their association.
 - 6.10.2. Once directed to do so, an Association may not cede its responsibility to:
 - a. complete the investigation; and
 - b. render a decision within the specified timeframe
- 6.11 The failure of an Association to complete an appropriate fact-finding investigation and render a decision, once directed, may result in disciplinary action at the discretion of the OWHA.
- 6.12 Associations are encouraged to employ the services of a qualified and/or professional investigation firm or suitably qualified individual to be determined as appropriate, by the individual Association.

7. RESPONSES, SANCTIONS AND REMEDIES

- 7.1 It is the position of the OWHA that Misconduct cannot and should not be tolerated in any environment, including hockey. Misconduct is unacceptable and may be harmful. The OWHA recognizes the negative impact of all types of Misconduct on personal dignity, individual and group development and performance, enjoyment of the game and in some cases, personal safety.
- 7.2 At the same time, the OWHA recognizes that not all incidents of Misconduct are equally serious in nature and in their consequences. Misconduct covers a wide spectrum of behaviours, and the response to those forms of behaviour must be equally broad in range, appropriate to the behaviour in question, and capable of providing a constructive remedy. The process of investigation and resolution of any complaint of Misconduct must be fair to all parties, allowing adequate opportunity for the presentation of a response to all allegations by the Respondent.
- 7.3 Any sanction imposed against a Registered Participant must be proportionate and reasonable, relative to the Misconduct that has occurred, considering previous disciplinary actions.
- 7.4 However, progressive discipline is not required as a single occurrence of a prohibited activity can lead to a very significant sanction.
- 7.5 If Misconducts are proven, one or more of the following sanctions may be imposed:
- 7.5.1 Verbal or Written Warning – A verbal reprimand or an official, written notice that a Registered Participant has violated the Policy and that more severe sanctions will result should the Registered Participant be involved in other violations.
 - 7.5.2 Education – The requirement that a Registered Participant undertake specified educational or similar remedial measures to address the violation.
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- 7.5.3 Probation – A period can be set wherein, if the Registered Participant is found to have engaged in any behaviour prohibited by this Policy, then they will be subject to loss of privileges or other conditions, restrictions, or requirements for a specific period of time.
- 7.5.4 Suspension – Suspension, either for a set time or until further notice, from participation, in any capacity, in any OWHA sanctioned activity. A suspended Registered Participant is eligible to return to hockey, but reinstatement may be subject to certain restrictions or contingent upon the Registered Participant satisfying specific conditions noted at the time of suspension.
- 7.5.5 Eligibility Restrictions – Restrictions or prohibitions from some types of participation but allowing participation in other capacities under strict conditions.
- 7.5.6 Permanent Ineligibility – Permanent ineligibility to participate in any OWHA sanctioned activity.
- 7.5.7 Other discretionary sanctions – Other sanctions for Misconduct may be imposed, including, but not limited to, other loss of privileges, no contact directives, a fine or a monetary payment to compensate for direct losses, or other restrictions or conditions as deemed necessary or appropriate.
- 7.5.8 Factors relevant to determining appropriate sanctions include, without limitation:
- 7.5.8.1. The severity of the Misconduct and whether it constitutes criminal behaviour;
 - 7.5.8.2. The nature and the duration of the offender’s relationship with the victim, including whether there is a Power Imbalance between the two parties;
 - 7.5.8.3. The offender’s prior history and any pattern of inappropriate behaviour or Maltreatment;
 - 7.5.8.4. The ages of the individuals involved;
 - 7.5.8.5. Whether the offender poses an ongoing and/or potential threat to the safety of other Registered Participants;
 - 7.5.8.6. The offender’s voluntary admission of the offense(s), acceptance of responsibility, and/or cooperation with the investigation
 - 7.5.8.7. Real or perceived impact of the incident on the victim, the OWHA, or the hockey community;
 - 7.5.8.8. Circumstances specific to the offender being sanctioned;
 - 7.5.8.9. Whether, given the facts and circumstances that have been established, continued participation in the hockey community is appropriate;
 - 7.5.8.10. An offender who is in a position of trust, intimate contact or high-impact decision making may face more serious sanctions; and
 - 7.5.8.11. Other mitigating or aggravating circumstances.
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- 7.5.9 Any single factor, if severe enough, may be sufficient to justify the sanction(s) imposed. A combination of several factors may justify elevated or combined sanctions.
- 7.5.10 Presumptive sanctions are in place for certain violations of this Policy. The following sanctions are presumed to be fair and appropriate for the listed violations, but the offender affected may rebut these presumptions or the OWHA may provide more severe sanctions where appropriate:
- 7.5.10.1. Sexual Maltreatment involving a Minor Registered Participant shall carry a presumptive sanction of permanent ineligibility;
 - 7.5.10.2. Sexual Maltreatment, Physical Maltreatment with contact and any attempts to mislead an investigator or falsify evidence shall carry a presumptive sanction of either a period of suspension or eligibility restrictions; and
 - 7.5.10.3. While an offender has pending charges or dispositions in violation of the criminal law, the presumptive sanction shall be a period of suspension.
- 7.5.11 A false accusation of Misconduct can be devastating to the Registered Participant who is being accused, both personally and professionally. Any Complainant making a complaint which is found to be clearly unfounded, false, malicious or frivolous, therefore, will be in breach of this Policy, and may be subject to consequences within the OWHA and may also be referred to third party authorities.
- 7.5.12 All decisions under this Policy will be final, with no further right of appeal or reconsideration within the OWHA's structure.

8. DEFINITIONS

- 8.1 All capitalized terms used in the Policy are defined in this Policy or in the UCCMS.
- 8.2 "Association" means a local association which provides OWHA registered teams and/or a FUNDamentals program for girls and/or women, and, only for the purposes of this Policy, independent teams are deemed to be Associations.
- 8.2 "Complaint" means an allegation submitted to Hockey Canada, OWHA or the ITP that a Participant has violated a policy or code of conduct by which that Participant is bound.
- 8.3 "ITP" means Hockey Canada's independent third-party, which is responsible for the management of all Complaints.
- 8.4 "Misconduct" refers to the behaviour or pattern of behaviour that is found, by a formal (example: independent investigation) or informal process (for example: an internal fact-finding) to be contrary to the OWHA Codes of Conduct and that is not Maltreatment, Harassment and Bullying.
- 8.5 "OSIC" means the Office of the Sport Integrity Commissioner
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- 8.6 “Registered Participant” – refers to a “Participant” as that term is defined in OWHA’s By-Laws and the definition of Participant in the UCCMS will adopt that of Registered Participant.
- 8.7 “Serious Misconduct” means any allegation of misconduct, which in the estimation of the ITP constitutes a significant or flagrant violation of a Hockey Canada or OWHA policy or code of conduct. Examples of Serious Misconduct may include but are not limited to the following situations:
- 8.6.1 Sexual Maltreatment or sexual misconduct of any kind, including threats of Sexual Maltreatment or sexual misconduct;
 - 8.6.2 Allegations of Grooming;
 - 8.6.3 An abuse of a Power Imbalance;
 - 8.6.4 Major incidents of violence outside of gameplay;
 - 8.6.5 An incident of racism or other discriminatory conduct which was not called as a penalty on the ice in accordance with Hockey Canada Playing Rule 11.4;
 - 8.6.6 An incident of violence or threatened violence by a coach or staff member against a player;
 - 8.6.7 An incident or series of incidents of bullying or harassment;
 - 8.6.8 Fraud against Hockey Canada or OWHA; and
 - 8.6.9 Conduct which constitutes child abuse under relevant child protection legislation or a crime pursuant to the Criminal Code.
- 8.8 “UCCMS” means the Universal Code of Conduct to Prevent and Address Maltreatment in Sport Version 2022 (6.0) (Link to the document: <https://sportintegritycommissioner.ca/files/UCCMS-v6.0-20220531.pdf>)
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