

COMPLAINTS, DISPUTE RESOLUTION & DISCIPLINE

The BMHA and OMHA Code of Conduct identifies the standard of behavior, which is expected of all BMHA 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 BMHA activities and events.

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

Failure to comply with the 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 BMHA including the opportunity to participate in BMHA activities and events, both present and future.

The BMHA reviews Minor infractions of the Code of Conduct. Major infractions and / or Complaints of Harassment, Abuse and Bullying (HAB) are forwarded directly to the OMHA (per OMHA Regulations) for review by the OMHA Risk Management Officer. Please note that the OMHA Risk Management Officer may in turn refer the matter back to the BMHA for review. Should this occur, the BMHA Complaint Review Procedure and Appeal Procedure shall be followed.

Complainants MUST make an attempt to resolve the matter with those they are lodging the complaint against prior to submitting a formal complaint. If a satisfactory outcome cannot be reached, then a formal complaint may be submitted. If the complainant does not make an attempt to resolve the matter first with those with whom they are lodging the complaint against, their complaint shall be denied until such time as an attempt to resolve the complaint has been made.

All complaints MUST be made in a timely manner. Whether formal or informal, it is not fair to lodge a complaint after a significant amount of time has passed. To that end, informal complaints must be made within 10 days of the incident to the individual(s) involved and an attempt to resolve the matter must take place. If the parties are unable to resolve the matter, a formal complaint may be filed. Formal complaints MUST be filed within 5 days of the parties being unable to reach a satisfactory resolution.

Formal complaints are to be submitted to the BMHA Office via regular mail, electronic mail or dropped off in person to the BMHA Office. All formal complaints MUST be submitted using the BMHA Complaint Form (complainants may add any additional documents necessary to support their complaint) which is available on our website or at the BMHA Office.

The BMHA will endeavor to review and respond to formal complaints and appeals within 30 days of the complaint / appeal being filed but reserves the right to adjust this timeline as necessary to properly investigate the matter.

IMPORTANT NOTE: WHEN ANY PERSON IN AUTHORITY HAS A REASONABLE BELIEF THAT THE POSSIBILITY EXISTS THAT A MINOR IS BEING ABUSED OR NEGLECTED, S/HE SHALL REPORT THIS TO ONTARIO CHILD PROTECTION AUTHORITIES OR POLICE AND SHALL ADVISE THE BMHA (WHO WILL IN TURN ADVISE THE OMHA) OF HAVING MADE THIS REPORT.



BMHA COMPLAINT REVIEW PROCEDURE:

The BMHA is not required to deal with all complaints. The BMHA may decide not to deal with the complaint if it is of the opinion that:

1. It could be more appropriately dealt with under another policy, rule or regulation within the BMHA or OMHA;
2. Is frivolous, vexatious or made in bad faith.
3. Is not within the governing body's jurisdiction, i.e. player selection
4. Is based on occurrences that are more than two months old.

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

Step 1: Initial Review

Upon receipt of a complaint, the President, Vice President and Executive Director shall review the complaint to determine the most appropriate course of action for the complaint. This initial review will result in either:

- a) the complaint being referred to Step 2; or
- b) the complaint being dismissed based on one or more of the reasons stated above.

Step 2: Determine Who Will Review the Complaint

Once the complaint is determined to have merit, the President, Vice President and Executive Director shall determine the most appropriate person or persons (Coach, Manager, Convenor, Executive Member, Etc.) or Committee to investigate and respond to the complaint.

The Complaint shall then be forwarded to them by the President or Executive Director for review.

Step 3: Complaint Review

The complaint is investigated by the selected person(s) or Committee. This **may** involve formal / informal interviews, document review (game sheets, team budget, emails, forms, policies / procedures, etc.), media (audio, video, print) and / or other means as deemed necessary to properly investigate the complaint.

Every effort is made to ensure that all parties mentioned in the complaint are fully aware of the allegations being made against them and will be given the opportunity to respond to them.

It is the complainant's responsibility to provide **ALL** details in their initial complaint. As such, the complainant may not be contacted during the investigative process (because it is presumed that all information has been provided) unless further clarification regarding the complaint is needed.

Step 4: Render Decision

Upon completion of the investigation, the party reviewing the complaint will review all the information before them and render a decision regarding the merit of the complaint, which will include an outcome and/or sanction, as s/he deems appropriate.



Step 5: Informing

Once a decision has been made, the party reviewing the complaint will inform the Executive Director and President of their findings / recommendations and forward all information on the matter before them to the Executive Director so that it can be filed appropriately.

The Executive Director or President will then notify those connected to the complaint of the findings / recommendations.

APPEALS

If the complaint was reviewed at any level other than the Discipline and Appeals Committee (DAC), an option to Appeal the decision to the Discipline and Appeals Committee (DAC) is offered to the complainant as well as those connected to the complaint.

If the Discipline and Appeals Committee (DAC) reviewed the complaint, their decision is final. However, the option to appeal the decision of the Discipline and Appeals Committee (DAC) to the OMHA per OMHA regulations will be presented to the complainant, and those connected to the complaint.

Should anyone impacted by the outcome of the complaint choose to file an appeal with the BMHA, they must understand that an appeal is not an opportunity to have a different party hear their concern. Rather an appeal is made if they believe the party who investigated the complaint:

- a) Made a decision for which they did not have authority or jurisdiction to do so.
- b) Failed to follow procedures.
- c) Made 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) Exercised its discretion for an improper purpose.
- e) Made a decision which was grossly unreasonable.
- f) Any other grounds which the Discipline and Appeals Committee deems sufficient to grant an Appeal.

All appeals are to be submitted in writing to the President and Executive Director within 10 days from the date the notification of findings was sent to the parties connected to the initial complaint.

The Appeal submission MUST indicate the grounds for the appeal, include evidence to support the appellant's position and be accompanied by a non-refundable fee of \$100.00. Incomplete appeals will not be forwarded to the DAC for review and will not be eligible for further appeal.

Upon receipt of a complete Appeal Request, the President and Executive Director will forward the Appeal request to the Discipline and Appeals Committee who will decide whether or not an appeal will be granted.

The DAC operates independently and at arms-length from the Board of Directors (BOD). The BOD simply receives the DAC reports so they are aware of the matter and reports can be included in BOD meeting minutes. This design provides the DAC the authority to hear and decide on the matters before them without interference from the BOD.



Should the DAC grant an appeal, the initial complaint will then be investigated by the Discipline and Appeals Committee who shall then follow the BMHA Complaint Review procedure stated herein.

Should the DAC deny the appeal, the appellant will be made aware of their options to appeal to the OMHA.

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

Complaint

Any written form of an alleged contravention of the BMHA and / or OMHA Code of Conduct.

Infraction

Any action or alleged action or complaint that violates the BMHA and / or 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 BMHA activities and events.

Minor Infractions

- 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 BMHA events and activities at which attendance is required.
- d) non-compliance with the rules and regulations under which BMHA events are carried out.
- e) any complaint or infraction considered minor in nature.

Major Infractions

- 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 BMHA 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 an association leader (Director, Coach, Convenor, etc.)
- l) any other complaint or infraction which is considered serious.

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 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.

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.

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.



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, color, religion, age, sex, marital status, family status, disability, pardoned conviction, and sexual orientation.

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 nonintentional) 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.



Misconduct

Misconduct refers to the behavior or a pattern of behavior 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 BMHA and / or OMHA Code of Conduct and that is not harassment, abuse or bullying.

