

-
1. Penticton Minor Hockey Association is committed to providing an environment which promotes equal opportunities and prohibits discriminatory practices as defined by *BCAHA Harassment and Abuse Policies and Procedures*. (see Appendix 4A, 4B, and 4C)
 2. This regulation applies to all members of Penticton Minor Hockey Association.
 3. Harassment is defined as conduct that is insulting, intimidating, humiliating, offensive or physically harmful. Types of behavior which constitute harassment and abuse include, but are not limited to:
 - a. unwelcome jokes, innuendo or teasing about a person's looks, body, attire, age, race, religion, sex or sexual orientation;
 - b. condescending, patronizing, threatening or punishing actions which undermine self-esteem or diminish performance;
 - c. practical jokes which cause awkwardness or embarrassment, endanger a person's safety or negatively affect performance;
 - d. unwanted or unnecessary physical contact including touching, patting, petting or pinching; unwelcome flirtation, sexual advances, requests or invitations;
 - e. any form of hazing, or initiation practices;
 - f. any form of physical assault;
 - g. any sexual offence including sexual assault;
 - h. behaviors such as those described above which are not directed towards individuals or groups but
 - i. in the case of minors, abuse and neglect are as defined in British Columbia child protection legislation.
 4. A person who experiences harassment, any person who witnesses harassment, or any person who believes that harassment has occurred is encouraged to make it known that the behavior is unwelcome, offensive and contrary to this regulation.
 5. When any person has reasonable belief that a member is being harassed, abused or neglected, he/she shall report this belief to the appropriate team manager or other authorities as determined by the severity of the allegation.
 6. Reports of abuse or harassment to the Provincial Child Protection Branch, RCMP, or BCAHA Harassment Advisor (male or female), (refer to BCAHA Harassment Complaint Procedure) shall be made known to the Penticton Minor Hockey Association Director-Risk Management.
 - a. Penticton Minor Hockey Association shall take no further action until such time as child protection authorities and/or police or BCAHA Harassment Advisor , have concluded their investigation.
 - i. The matter shall then be dealt with as a disciplinary matter pursuant to Penticton Minor Hockey Association *Regulation 5*, and the report of the investigation carried out by authorities may be used as evidence in any proceedings.

Reporting abuse or harassment to the Penticton Minor Hockey Association should use an Incident Report form - filing with any Director.

b. On receipt of a verbal or written allegation of Abuse or Harassment, Directors are to initiate investigative proceedings as per Regulation 5.01.8.

i. The role of the Director is to serve in a neutral, unbiased capacity in receiving the report of the incident, advising the parents or guardians of the incident (if the person who has experienced the harassment is a minor).

7. In recommending disciplinary sanctions, the Membership Committee-Discipline may consider the following options, singly or in combination, depending on the nature and severity of the harassment or abuse:

a. verbal apology

b. written apology

c. letter of reprimand from the organization

d. referral to counseling

e. removal of certain privileges of membership

f. temporary suspension

g. expulsion from membership

h. publication of the details of the sanction

i. any other sanction which the Committee considers appropriate.

8. Failure to comply with a sanction as determined by the Membership Committee-Discipline shall result in automatic suspension from membership in Penticton Minor Hockey Association.

9. Both the complainant and respondent shall have the right to appeal the decision of the Membership Committee-Discipline.

a. A Notice of Intention to Appeal, along with grounds for the appeal, must be provided to the Membership Committee-Appeals within five (5) days of the complainant or respondent receiving the decision as per Regulation 5.01.10.

b. Permissible grounds for appeal are:

i. the Membership Committee-Discipline did not follow the procedures laid out in the regulation(s);

ii. members of the Membership Committee-Discipline were influenced by bias; or

iii. the Membership Committee-Discipline reached a decision which could not be supported by the evidence, or which was grossly unfair or unreasonable.

11. The decision of the Membership Committee-Appeal panel shall be final and binding. However, either the complainant or the respondent may seek a review of the decision process in accordance with the BCAHA Harassment Complaints Procedure as set out in section 7.2.3 of the BCAHA Safety and Risk Management Manual.

12. In extraordinary circumstances, and at its sole discretion, the Membership Committee may abridge or extend the timelines in this regulation.

13. Penticton Minor Hockey Association recognizes the sensitive and serious nature of harassment and abuse, and will strive to keep all matters relating to a complaint confidential. However, if required by law to disclose information, Penticton Minor Hockey Association will do so. It is also the policy of Penticton Minor Hockey Association to allow publication of the decision of the Membership Committee-Discipline, where the acts complained of constitute harassment.

Definitions of ABUSE

(Source: Speak Out! Second Edition, Revision January 1, 2000)

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. Within British Columbia, a person is considered a child up to the age of nineteen (19) years of age.

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 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.

Neglect is chronic inattention to the basic necessities of life such as clothing, shelter, nutritious diet, 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, non-intervention when team members are persistently harassing another player, or road trips that are not properly supervised.

Sexual Abuse is when a young or less powerful person is used by an older or more powerful child, adolescent or adult for sexual gratification. There are two (2) categories: contact and non-contact. .

Contact forms may include being touched or fondled in sexual areas; forced to touch another person's sexual areas; being 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 and sexually oriented hazing.

Non-contact forms may include obscene remarks on the 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; and being forced to self masturbate or forced to watch others masturbate.

Guidelines to Follow when
Reporting and Following Up a Disclosure of Abuse:
(Source: Speak Out! Second Edition, Revision January 1, 2000)

Any person, who has reasonable grounds to suspect that a child/youth may be suffering or may have suffered from emotional, physical abuse or neglect and/or sexual abuse, has a mandatory duty to report the abuse or neglect to the local Child Protection Agency. This refers not only to experts - but to everyone involved with children and youth.

There is no legal penalty for reporting an allegation of abuse or neglect which is made in good faith.

The Criminal Code of Canada defines which of the alleged perpetrator's behavior are illegal and subject to charges. Child Protection Acts and the Criminal Code are executed independently of each other; therefore a child may require protection according to the Child Protection Act, but criminal charges may or may not be laid against the perpetrator.

Due to the potential for corruption of evidence, investigations of abuse and neglect must be guided first by provincial legislation, next, if warranted, by the Criminal Code, and finally, by the sport organization's policies.

All disclosures, according to the Child Protection Acts, regardless of the source (from the victim, one's own observations, a parent, a staff member, an anonymous individual) must be reported to the provincially appointed Child Protection Agency or Police.

The person who hears the disclosure or suspects the abuse must make the report. While responsibility for reporting cannot be assumed by any other person, sports organizations need to support the reporting process.

It is the Child Protection Agency's responsibility to collaborate with Police to determine who will conduct the initial investigation. .

All sport organization personnel who suspects or receives a report of abuse or neglect must inform the organization's Executive of the disclosure. If the report made to the Child Protection Agency concerns sport organization personnel, the organization's Executive may have cause to suspend the personnel on an interim basis to protect both the child/youth and the personnel until the investigation has been completed.

While parents may be advised of the alleged abuse and sought for support of the child, parents are not in the position to grant or revoke permission for reporting to the Child Protection Agency or Police. It is the legal duty of the individual who suspects or knows of the alleged abuse to make the report directly to the Child Protection Agency or Police. Following a report of abuse or neglect, a designate from the sport organization may act as a liaison between Police and/or Child Protection Investigators and the organization; this will facilitate the communication of pertinent information to those personnel, parents or athletes involved in the case.

Appendix 4B Cont.

Once the report has been made to the Child Protection Agency or Police, the facts of the report should be documented by the reporter and a copy should be given to the Executive in the sport organization.

The sport organization will suspend its own investigation until directed by the Child Protection Agency and/or Police to continue. This is done to avoid corrupting any evidence which may be critical to child/youth protection or criminal investigation.

When abuse has been reported or suspected, it is imperative that sport organizations act in a manner which:

- protects the victimized child/youth
- protects other children/youth within the organization
- respects the rights of the alleged abuser, by maintaining the appropriate confidentiality
- works in cooperation with parents, Child Protection Agencies or Police
- informs itself so that immediate action, such as suspension, is taken.

Definition of HARASSMENT

(Source: Speak Out! Second Edition, Revision January 1, 2000)

It is difficult, if not impossible, to define harassment in black and white terms. At its extreme, harassing behavior is easy to discern, but there are always gray areas since not everyone perceives behavior the same way. Thus, any definition of harassment will contain a certain subjective, or interpretive element.

Harassment is a behavior, by one person towards another, which is insulting, intimidating, humiliating, malicious, degrading or offensive. It creates negative and uncomfortable feelings for the person, or group of persons, to whom it is directed.

Harassment can take many forms whether physical, verbal, sexual or emotional, and most often involves a combination of these elements. One of the defining characteristics of harassment is that it usually takes place where one person is in a position of power over another, or has the trust of another, and then abuses that relationship. It doesn't matter that a person did not mean their behavior to be harassing or did not intend to abuse their position of power or trust. It is the effect of the behavior that is most critical.

Types of behavior which constitute harassment include, but are not limited to, Unwelcome jokes, innuendo or teasing about a person's looks, body, attire, age, race, religion, sex or sexual orientation.

Condescending, patronizing, threatening or punishing actions which undermine self-esteem or diminish performance.

Practical jokes that cause awkwardness or embarrassment, endanger a person's safety or negatively affect performance.

Unwanted or unnecessary physical contact including touching, patting or pinching (in the case of minors, this is defined as abuse under Child Protection Legislation).

Unwelcome flirtation, sexual advances, requests or invitations (if minor, covered under Child

Protection Legislation).

Any form of hazing.

Any form of physical assault (if minor, covered under Child Protection Legislation).

Any sexual offence including sexual assault (if minor, covered under Child Protection Legislation).

Behaviors 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.

