

Whitby Men's Hockey League (WMHL) Bullying and Harassment Policy

This Policy sets out the principles and practices of WMHL regarding bullying and harassment.

Statement of Purpose

WMHL is committed to providing a sport and work environment which promotes equal opportunities and prohibits discriminatory practices and bullying.

Harassment is a form of discrimination which is prohibited by human rights legislation in Canada. Bullying involves a person expressing their power through the humiliation of another person. Bullying may be a form of harassment but also has some of its own defining characteristics.

WMHL supports the right of all its members, whether athletes, volunteers or employees, to participate in all WMHL activities free from any form of harassment and bullying.

WMHL will make every reasonable effort to promote awareness of the problem of harassment and bullying among all its members, and to respond quickly and effectively to complaints or disclosures of harassment or bullying.

Policy

It is the policy of WMHL that harassment and bullying in all its forms will not be tolerated during the course of any WMHL activity or program. Accordingly, all WMHL personnel (staff, volunteers, team or on-ice officials) and partners are responsible for making every reasonable effort to uphold this commitment. Specifically, this includes refraining from harassing or bullying behaviour, responding promptly and informally to incidents of harassment or bullying. Players and other participants are expected to refrain from harassing or bullying behaviour and are encouraged to report incidents of harassment or bullying.

Definition of 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, and 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 prohibited in human rights legislation, such as race, ethnicity, colour, religion, age, sex, marital status, family status, disability, pardoned conviction and sexual orientation.

Harassment may occur among anyone between peers (e.g.: player to player of the same age group, parent to official, coach to coach) or between someone in a position of power or authority and an adult in a subordinate position (e.g.: coach to player, sports administrator to employee).

The following is a non-exhaustive list of examples of harassment:

1. Unwelcome jokes, innuendo or teasing about a person's body, looks, race, sexual orientation etc.
2. Condescending, patronizing, threatening or punishing actions which undermine self-esteem
3. Practical jokes which cause awkwardness or embarrassment, or may endanger a person's safety
4. Degrading or inappropriate hazing rituals
5. Unwanted or unnecessary physical contact including touching, patting, pinching
6. Unwanted conduct, comments, gestures or invitations of a sexual nature which are likely to cause offence or humiliation, or which might on reasonable grounds be perceived as placing a condition of a sexual nature on employment or on any opportunity for training or advancement
7. Sexual assault or physical assault

Definition of 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 targets accomplishment
- Threats of and actual physical violence

Responses and Remedies

It is the position of WMHL that harassment and bullying cannot and should not be tolerated. Both harassment and bullying are unacceptable and harmful. WMHL recognizes the serious negative impact of all types of harassment and bullying on personal dignity and performance, enjoyment of the game and in some cases, personal safety.

At the same time, WMHL recognizes that not all incidents of harassment and bullying are equally serious in their consequences. Both harassment and bullying cover a wide spectrum of behaviours, and the response to both must be equally broad in range, appropriate to the behaviour in question and capable of providing a constructive remedy. There must be no summary justice or hasty punishment. The process of investigation and settlement of any complaint of harassment or bullying must be fair to all parties, allowing adequate opportunity for the presentation of a response to the allegations.

Minor incidents of harassment or bullying will be corrected promptly and informally, taking a constructive approach and with the goal of bringing about a change in negative attitudes and behaviour.

More serious incidents will be dealt with in a timely, sensitive, responsible and confidential manner. There will be no tolerance of reprisals taken against any party to a complaint. The names of parties and the circumstances of the complaint will be kept confidential except where disclosure is necessary for the purposes of investigation or taking disciplinary measures.

Anyone making a complaint which is found to be clearly unfounded, false, malicious or frivolous may be subject to discipline.

Complaint

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 the values of the WMHL. If confronting the harasser is not possible, or if after confronting the harasser the harassment continues, the matter should be reported to the WMHL through a team representative or executive member. Once an incident is reported, the role of the WMHL team representative or executive member is to serve in a neutral, unbiased capacity in receiving the report of the incident, and assisting in an informal resolution of the complaint, where this is appropriate.

The complaint shall be referred to the President of the WMHL.

Investigation

The President of the WMHL shall receive any written complaint of abuse or harassment. The President shall appoint an individual to conduct an investigation of the complaint. The investigator shall carry out the investigation in a timely manner and at the conclusion of the investigation shall submit a written report to the President.

Within SEVEN days of receiving the written report of the investigator, the President shall decide if the complaint should be dealt with directly, without a hearing, in which case he or she shall direct the appropriate response and the matter shall then be concluded, provided the person complained of is fully informed and is given an opportunity to respond to the complaint.

After a thorough internal investigation the WMHL has the power to discipline, sanction and/or suspend any team player, team official or employee.

Hearing

If the President of the WMHL decides that the complaint shall be dealt with by means of a hearing, a Panel will be formed with a chairperson.

After reviewing and deciding the harassment matter, the Panel shall present its findings in a written report to the President, with a copy provided to both the Complainant and the Respondent. This report shall contain:

- i) A summary of the relevant facts
- ii) A determination as to whether the acts complained of constitute harassment as defined in this policy
- ii) Disciplinary action to be taken, if the acts constitute harassment; and
- iv) Measures to remedy or mitigate the harm or loss suffered by the Complainant, if the acts constitute harassment.

Results of the hearing are to be reported to the President of the WMHL in written form.

Sanctions

When directing appropriate disciplinary sanction, the Panel shall consider factors such as:

- i) The nature and severity of the harassment
- ii) Whether the harassment involved any physical contact
- iii) Whether the harassment was an isolated incident or part of an ongoing pattern
- iv) The nature of the relationship between the complainant and harasser
- v) The age of the Complainant
- vi) Whether the harasser had been involved in previous harassment incidents
- vii) Whether the harasser admitted responsibility and expressed a willingness to change
- viii) Whether the harasser retaliated against the complainant

In directing disciplinary sanctions, the Panel may consider the following options, singly or in combination, depending on the nature and severity of the harassment:

- i) Verbal apology
- ii) Written apology
- iii) Letter of reprimand from the WMHL
- iv) A fine or levy
- vi) Removal of certain privileges of membership or employment
- vii) Temporary suspension
- viii) Termination of employment or contract
- ix) Suspension of membership
- x) Expulsion from membership
- xi) Any other sanction which the Panel may deem appropriate

Failure to comply with a sanction as determined by the panel shall result in automatic suspension of membership in the WMHL until such time as the sanction is fulfilled.

Incidents Requiring Immediate Response

This policy shall not prevent a person in authority from taking immediate, informal, corrective and appropriate disciplinary action in response to behaviour that, in his or her view, constitutes a minor instance of harassment. Harassment complaints arising during competitions may be dealt with immediately, if necessary, by WMHL representative in a position of authority, provided the individual being disciplined is told the nature of the infraction and has an opportunity to provide information concerning the incident. In such situations, sanctions shall be for the duration of the competition only. Further sanctions may be applied but only after review of the matter in accordance with this policy.