

Definitions

1. The following terms have these meanings in the Policy:
 - a. "Complainant"- The Party alleging an infraction
 - b. "Respondent"- The alleged infracting Party
 - c. "Parties"- The Complainant, Respondent and any other individuals, person or organizations affected by the complaint.
 - d. "Days"-means business days (Monday to Friday, both inclusive) with the exception of Statutory holidays
 - e. "Individuals"- Members and registered participants defined within HNO's bylaws, as well as individual employed by HNO or engaged in sanctioned activities of HNO including but not limited to players, coaches, bench staff, convenors, executive (directors and officers), on and off ice officials, volunteers, administrators and parents of players.
 - f. "Local Organization"- Refers to a member team, league or association of Hockey Northwestern Ontario.
 - g. "Panel"- the committee conducting the hearing, when a hearing is conducted by HNO this would refer to the Risk, Conduct and Safety Management Committee

Purpose

2. Membership in HNO, as well as participation in activities, brings many benefits and privileges. At the same time, individuals and participants are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with HNO policies, bylaws, rules and regulations, and Codes of Conduct. Non-compliance by individuals may result in sanctions pursuant to this Policy.

Applications of this Policy

3. This Policy applies to all individuals.
4. This Policy applies to discipline matters that may arise during the course of HNO's business, sanctioned activities including but not limited to, games, practices, dryland training, tryouts, training camps, travel associated with HNO activities and meetings.
5. This Policy does not prevent discipline from being applied, during a sanctioned event or competition, according to procedures in place for the particular event.
6. In fractions of the Hockey Canada Playing Rules are dealt with by the Suspension Policy. Further discipline may be applied according to this Policy.
7. Discipline matters and complaints arising within the business, activities, or events organized by entities other than HNO will be dealt with pursuant to the policies of these other entities unless requested and accepted by HNO as its sole discretion.

Reporting

8. All incidents must be reported via a properly completed Complaint Intake Form and submitted to HNO's Executive Director within ten (10) days of the alleged incident. Anonymous complaints will not be accepted.

9. A Complainant wishing to file a complaint outside of the ten (10) day period must provide a written statement giving reason for an exception to this limitation. The decision to accept or not accept the complaint outside of the ten (10) days will be at the sole discretion of HNO. This decision may not be appealed.
10. At HNO's discretion, HNO may act as the complainant and initiate the complaint process under the terms of this Policy. In such cases, HNO will identify an individual to represent HNO.

Mediation

11. Upon the consent of the Parties, the dispute may be referred to HNO Dispute Resolution Policy with the objective of resolving the dispute.

Case Manager

12. Should HNO's Dispute Resolution Policy, if applicable, not resolve the dispute. The following steps will be initiated:
 - a. Once an incident is reported, the role of HNO's Executive Director is to serve in a neutral, unbiased capacity in receiving the report of the incident, advising the parents/guardians (if the person who has experienced the harassment is a minor) and the Branch President of the incident.
 - b. If HNO's Executive Director considers that he or she is unable to act in this capacity, the complaint shall be referred to the President.
 - c. HNO's Executive Director and President will review the incident to determine if it is to be dealt with as a primary or secondary infraction and the matter will be dealt with according to the applicable section relating to the primary or secondary infraction.
 - d. If informal resolution of the complaint is not appropriate or possible, the President will defer this matter to HNO's Risk, Conduct and Safety Management Committee.

Secondary Infractions

13. **Secondary** Infractions are single incidents of failing to achieve expected standards of conduct that generally do not result in harm to others, HNO or the sport. Examples of secondary infractions can include by are not limited to, a single incident of:
 - a. Disrespectful, abusive, racist or sexist comments or behaviour
 - b. Disrespectful conduct
 - c. Secondary violations of HNO's Codes of Conduct or Hockey Canada's Fair Play Codes
 - d. Neglecting attendance at HNO events and activities at which attendance is expected or required
 - e. Non-compliance with HNO's policies, procedures, rules or regulations
14. All disciplinary situations involving secondary infractions will be dealt with by the Local Organization:
 - a. Complaints received that meet the criteria of a secondary infraction will be directed to the local organization to be handled in accordance with its own procedures or procedures directed by HNO. Furthermore, HNO will provide a timeline not greater than ten (10) days for the local organization to file a report back with HNO on the outcome of the complaint.

15. Provided that the Respondent being disciplined is told the nature of the infraction and has an opportunity to provide information concerning the incident, procedures for dealing with the **Secondary** infractions will be informal (compared to the procedures for dealing with Primary infractions)
16. Penalties for **secondary** infractions, which may be applied singularly or in combination, include the following:
 - a. Verbal or written reprimand from the local organization to one of the Parties
 - b. Verbal or written apology from one Party to the other Party
 - c. Service or other contribution to the local organization
 - d. Removal of certain privileges for a period of time
 - e. Suspension from sanctioned activities
 - f. Fines
 - g. Any other sanction considered appropriate for the offense
 - h. Discipline specific to the event or competition, if applicable
17. **Secondary** Infractions that result in discipline will be recorded by the local organization and all sanctions assessed must be reported to HNO's Executive Director. Repeat **secondary** infractions may result in further such incidents being considered a **primary** infraction.

Primary Infractions

18. **Primary** infractions are instances failing to achieve the expected standard of conduct that result, or have the potential to result, in harm to other persons, to HNO or the sport of hockey. Examples of **Primary** infractions include but are not limited to:
 - a. Repeated **secondary** infractions
 - b. Any incident of hazing
 - c. Incidents of physical abuse
 - d. Behaviour that constitutes harassment, sexual harassment or sexual misconduct
 - e. Pranks, jokes, or other activities that endanger the safety of others
 - f. Conduct that intentionally interferes with a competition or with any athlete's preparation for a competition
 - g. Conduct that intentionally damage HNO's image, credibility, or reputation
 - h. Consistent disregard for HNO's bylaws, policies, rules and regulations
 - i. Primary or repeated violations of HNO's Codes of Conduct
 - j. Intentionally damaging HNO property or improperly handling HNO monies
 - k. Abusive use of alcohol, any use or possession of alcohol by minors, or use or possession of illicit drugs or narcotics
 - l. A conviction for any Criminal Code offense
 - m. Any possession or use of banned performance enhancing drugs or methods
19. **Primary** infractions occurring in competition may be dealt with immediately, if necessary, by a person having authority. In such situations, discipline sanctions will be for the duration of the competition, training or activity or event only. If applicable, discipline specific to the particular event or competition shall be applied. Further sanctions may be applied but only after review of the matter in accordance with the procedures set out in this Policy. This review does not replace the appeal provisions of this Policy.

20. **Primary** infractions will be handled using the Procedure for **Primary** Infraction Hearing set out in this Policy, except where a dispute resolution procedure contained within a contract, employment agreement or other formal written agreement takes precedence.

Procedure for Primary Infraction

21. HNO's Executive Director shall notify the Parties that the complaint is potentially legitimate, and the incident shall be dealt with as a Primary infraction. HNO's Executive Director and President shall then decide the format under which the complaint will be heard. This decision is at the sole discretion of the Executive Director and President and may not be appealed.
22. HNO's Executive Director and President may refer the matter to the local organization to be dealt with as outline in this policy regarding **primary** infractions or defer the matter to HNO's Risk, Conduct and Safety Management Committee.
- a. If deferred to the local organization, if they do not have disciplinary committee, the President shall form one. Reference to the HNO's Risk, Conduct and Safety Management Committee or the Panel will be equivalent to reference of the local organization's committee for the purpose of following this policy.
23. If the respondent acknowledges the facts of the incident, the Respondent may waive the hearing, in which case the Panel will determine the appropriate disciplinary sanction. The Panel may still hold a hearing for the purpose of determining an appropriate sanction.

Investigation

24. When a Complaint Intake Form is presented to the Risk, Conduct and Safety Management Committee, the Committee Chair in consultation with the HNO President, shall appoint an individual to act as a Fact Finder. For serious matters, the Fact Finder should be experienced in harassment matters and investigation techniques and should be an outside professional.
25. The Fact Finder shall carry out the investigation in a timely manner and at the conclusion of the investigation shall submit a written report to the Risk, Conduct and Safety Management Committee.
26. Within five (5) days of receiving the written report of the Fact Finder, the Risk, Conduct and Safety Management Committee Chair and the HNO 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.

Hearing

27. If the Risk, Conduct and Safety Management Committee decides that the complaint shall be dealt with by means of a hearing, the Committee shall govern the hearing by such procedures as it may decide, provided that:
- a. The Risk, Conduct and Safety Management Committee shall hold the hearing as soon as possible, but not more than ten (10) days after the Complaint Intake Form is first received by the HNO's Executive Director.
 - b. The individual being disciplined shall be given three (3) days written notice of the date, time and place of the hearing. The Risk, Conduct and Safety Management Committee may decide to conduct the hearing in person or by telephone or video conference.

- c. Copies of any written documents which the parties wish to have the Panel consider will be provided to all Parties in advance of the hearing.
 - d. Both Parties shall be present at the hearing.
 - e. The Parties may be accompanied by a representative, advisor or legal counsel at their own expense.
 - f. The Panel may request that witnesses to the incident be present or submit written evidence which is certified by a notary of public.
 - g. Members of the Panel shall select from among themselves a Chair.
 - h. A quorum shall be all three (3) Panel Members and decisions shall be by majority vote where the Chair carries a vote.
 - i. The individual being disciplined shall have the right to present evidence and argument.
 - j. The hearing shall be held in private.
 - k. The Panel may request that witnesses to the incident be present or submit written evidence.
 - l. In fulfilling its duties, the Panel may obtain independent advice.
28. If at any point in the proceedings, the Complainant becomes reluctant to continue, it shall be at the sole discretion of the Panel to continue the review of the complaint in accordance with this policy.
29. The preceding provisions may be modified, or added to, as required by the provisions of any other pertinent HNO policy, such as those dealing with harassment, doping, personnel or event-specific matters.
30. If a decision may affect another party to the extent that the other party would have recourse to a complaint or an appeal in their own right, that party will become a Party to the complaint in question and will be bound by the decision.

Decision

31. After hearing the matter, the Panel will determine whether an infraction has occurred and, if so the sanctions to be imposed. Within ten (10) days of the hearings conclusion, the Panel's written decision, with reasons will be distributed to all Parties, HNO's President and Executive Director. In extraordinary circumstances, the Panel may first issue a verbal or summary decision soon after the hearing's conclusion, with the full written decision to be issued before the end of the ten (10) day period. The decision will be considered a matter of public record unless decided otherwise by the Panel.

Sanctions

32. In applying sanctions, the Risk, Conduct and Safety Management Committee may have regard to the following aggravating or mitigating circumstances:
- a. The nature and severity of the complaint.
 - b. Whether the complaint involved any physical contact.
 - c. Whether the harassment was an isolated incident or part of an ongoing pattern.
 - d. The nature of the relationship between the Complainant and respondent.
 - e. The age, maturity or experience of the individual.
 - f. Whether the Complainant had been involved in previous incidents.
 - g. Whether the Respondent admitted responsibility and expressed a willingness to change.

- h. Whether the Respondent retaliated against the Complainant.
33. The Panel may apply the following disciplinary sanctions, singularly or in combination, for **primary** infractions:
- a. Verbal or written reprimand from HNO or the local organization to one of the parties
 - b. Verbal or written apology from one Party to the other Party
 - c. Service or other contribution to HNO or the local organization
 - d. Expulsion from HNO or the local organization
 - e. Removal of certain membership privileges
 - f. Suspension from HNO sanctioned activities for a designated period of time
 - g. Withholding of awards
 - h. Payment of the cost of repairs for property damage
 - i. Suspension of funding from HNO or sanctions from HNO (including tournament and travel permits)
 - j. Any other sanction considered appropriate for the offence
34. Unless the Panel decides otherwise, any disciplinary sanctions will begin immediately. Failure to comply with a sanction as determined by the Panel will result in automatic suspension until such time as compliance occurs.
35. Primary infractions that result in discipline will be recorded and records maintained by HNO.

Suspensions Pending a Hearing

36. HNO may determine that an alleged incident is of such seriousness as to warrant suspension of an individual pending a completion of the criminal process, a hearing or a decision of the Panel.

Criminal Convictions

37. An individual's conviction for any of the following Criminal Code offenses will be deemed a primary infraction under this policy and will result in expulsion from HNO and/or removal from HNO's competitions, programs, activities and events upon the sole discretion of HNO:
- a. Any child pornography offences
 - b. Any sexual offences
 - c. Any offence of physical or psychological violence
 - d. Assault with a weapon, aggravated assault, assault causing bodily harm
 - e. Any offence involving trafficking of illegal drugs

Confidentially

38. The discipline and complaints process are confidential and involves only the Parties, the Case Manager(s), the Panel and any independent advisors to the Panel. Once initiated and until a decision is released, none of the Parties will disclose confidential information relating to the discipline or complaint to any person not involved in the proceedings.

Timelines

39. If the circumstances of the complaint are such that adhering to the timelines outlined by this Policy will not allow a timely resolution to the complaint, the Panel may direct that these timelines be revised.

Records and Distribution of Decisions

40. Primary and Secondary infractions that result in discipline, as well as decisions of any appeals, shall be recorded by the local organization or HNO depending on who is dealing with the complaint intake form.

41. Other organizations may be advised of any decisions and, if there was an appeal, the appeal decision.

Appeal Procedure

42. The decision of the Panel may be appealed in accordance with HNO's Appeal Policy.

References

HNO Codes of Conduct

HNO Dispute Resolution Policy

HNO Abuse, Harassment and Bullying Policy

HNO Appeal Policy

HNO Suspension List

Approved by the Board of Directors: April 27,2019 Replaces: April 1,2018 Reviewed: Biennial
