



Policy Name: Maltreatment		Date of Approval: Oct 1, 2025	Effective Date: Oct 1, 2025
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PURPOSE

- 1.1 Hockey Northwestern Ontario is committed to advancing a respectful sport culture that delivers quality, inclusive, accessible, welcoming and positive safe sport experiences.
- 1.2 Participants should have the reasonable expectation when they participate in Hockey Northwestern Ontario's programming that it will be in an environment that is free from all forms of Maltreatment and that treats every individual with dignity and respect. Maltreatment in all its forms is a serious issue that undermines the health, well-being, performance and security of individuals, communities, and society.

GENERAL PRINCIPLES AND COMMITMENT

- 2.1 Maltreatment violates the integrity of individual(s) and undermines the principles endorsed by the Federal, Provincial, and Territorial Ministers responsible for Sport, Physical Activity, and Recreation through the Red Deer Declaration for the Prevention of Harassment, Abuse and Discrimination in Sport.
- 2.2 Hockey Northwestern Ontario is committed to creating a sport environment that is free from all forms of Maltreatment and that treats all Participants with dignity and respect.
- 2.3 Maltreatment is unacceptable and fundamentally incompatible with the core values that lie at the heart of hockey. The commitments expressed below reflect this understanding and shall guide the interpretation and application of this Policy:
 - 2.3.1 All Participants in sport can expect to play, practice, compete, work, volunteer, and interact in an environment free from Maltreatment.
 - 2.3.2 All Participants recognize that Maltreatment can occur regardless of race, sex, gender identity, gender expression, sexual orientation, age, disability, religion, and other characteristics. Moreover, it is recognized that those from marginalized groups have increased vulnerability to experiences of Maltreatment.
 - 2.3.3 All Participants recognize that persons who have experienced Maltreatment may experience a range of effects that may emerge at different times and that can profoundly affect their lives.
 - 2.3.4 Persons who have experienced Maltreatment may suffer from the impact of trauma, and efforts must be made to understand that impact and to avoid re-traumatization.
 - 2.3.5 Addressing the causes and consequences of Maltreatment is a collective responsibility and requires the deliberate efforts of all Participants and other sport stakeholders.

2.4 The following principles will guide the determination of Prohibited Behaviour and imposition of sanctions:

- Harmonized;
- Comprehensive;
- Fair;
- Trauma-informed;
- Evidence-driven;
- Independent administration;
- Proportionate;
- Expert-informed.

OBJECTIVES

3.1 Every Participant should strive to:

- 3.1.1 Ensure their intentions, actions and efforts reflect a commitment to prioritizing the safety of all 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 Participants.
- 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 hockey 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 Participants.
- 3.1.13 Ensure all interactions and communications are consistent with the role of the Participant in relation to the sport, and carried out in a way that is transparent to other Participants and promotes the concept of individual accountability.
- 3.1.14 Monitor their own behaviours and the 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.

3.2 All Participants in a position of trust or authority have a responsibility to:

3.2.1 Protect the health and well-being of other 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.

SCOPE OF APPLICATION

Scope of Application of the Policy

The Policy applies to Prohibited Behaviours, provided the violation of the Policy occurs in any one or a combination of the following situations:

1. During any on or off ice hockey activities which are sanctioned by Hockey Northwestern Ontario;
2. When the Participant who is alleged to have violated this Policy was engaging in on or off ice hockey activities;
3. When the Participants involved interacted due to their mutual involvement in hockey; or
4. Outside the hockey environment, where the violation of the Policy has a serious and detrimental impact on another Participant or could undermine the integrity of hockey or bring the sport of hockey into disrepute.

Investigations and Disciplinary Review

4.2.1 Participants alleged to be in violation of the Policy are subject to applicable investigation and disciplinary and complaint processes as outlined in the policies of Hockey Northwestern Ontario or, where applicable, in accordance with Hockey Canada's Maltreatment Complaint Management Policy.

4.2.2 Hockey Canada has established a new, fully independent, and confidential reporting mechanism for all individuals regarding any incidents involving Hockey Canada and Hockey Northwestern Ontario sanctioned programs known as the independent third party mechanism (the "ITP").

4.2.3 There is an expectation that a complaint regarding violations of this Policy will be submitted to the ITP. Complaints can be submitted directly to the ITP via e-mail to complaints@sportcomplaints.ca.

4.2.4 The ITP will then assess the complaint in accordance with Hockey Canada's Maltreatment Complaint Management Policy to determine whether the complaint will remain with the ITP or whether the matter will be returned to Hockey Northwestern Ontario for handling in accordance with its own policies and procedures. That decision is in the discretion of the ITP and is based on, amongst other factors, the severity of the complaint. The complainant will be advised of the result of this process and it is Hockey Canada and Hockey Northwestern Ontario's goal to ensure effective communication with the complainant throughout the complaint process.

PROHIBITED BEHAVIOURS

Violations of the Policy

It is a violation of the Policy for a Participant to engage in the behaviours described in this Section. It may be that conduct constituting Prohibited Behaviour falls into more than one of the categories of this Section. It is the assessment of the conduct itself that is important, not into which category or categories it falls.

Psychological Maltreatment

- 5.2.1 Psychological Maltreatment includes, without limitation, verbal conduct, non-assaultive physical conduct, conduct that denies attention or support, and/or a person in authority's pattern of deliberate non-contact behaviours that have the potential to cause harm.
- 5.2.2 Psychological Maltreatment is determined by the behaviour viewed objectively, not whether harm is intended or results from the behaviour.

Physical Maltreatment

- 5.3.1 Physical Maltreatment includes contact or non-contact infliction of physical harm.
- 5.3.2 Physical Maltreatment is determined by the behaviour viewed objectively, not whether harm is intended or results from the behaviour.

Neglect

- 5.4.1 Neglect refers to the omission of adequate care and attention and is evaluated with consideration given to the Participant's needs and requirements.
- 5.4.2 Neglect is determined by the behaviour viewed objectively, not whether harm is intended or results from the behaviour.

Sexual Maltreatment

- 5.5.1 Sexual Maltreatment includes, but is not limited to,
 - a) any non-Consensual touching of a sexual nature and/or the Criminal Code offence of sexual assault;
 - b) forcing or coercing a person into sexual acts;
 - c) participating in or performing acts on a person that violate their sexual integrity;
 - d) Criminal Code offences that do not involve actual physical contact or that can occur through electronic means such as indecent exposure, voyeurism, non-Consensual distribution of sexual/intimate images, luring and agreement or arrangement to commit a sexual offence;
 - e) Sexual harassment, which is defined as any series of or serious comment(s) or conduct of a sexual nature that is unwelcome and that would be objectively perceived to be unwelcome, and which broadly includes jokes, remarks or gestures of a sexual or degrading nature, or distributing, displaying or promoting images or other material of a sexual or degrading nature, or any act targeting a person's sexuality, gender identity or expression. It can also include stalking or harassment in person or by electronic means where the stalking or harassment is of a sexual nature.
- 5.5.2 Sexual Maltreatment can take place through any form or means of communication (e.g. online, social media, verbal, written, visual, hazing, or through a third party).
- 5.5.3 Sexual Maltreatment of a Minor is any Sexual Maltreatment against a Minor. It includes the items described in 5.5.1 above and also includes, but is not limited to, the Criminal Code offences that are specific to individuals who are not adults or to individuals under a particular age, such as sexual exploitation, sexual interference, and any offence related to exploitation of a Minor through prostitution. Sexual Maltreatment of a Minor is not limited to acts that involve physical contact but can include acts that can occur in person or via electronic means such as, but not limited to, invitation to sexual touching, making sexually explicit material available to a Minor, and acts that occur only online such as luring or agreement or arrangement to commit a sexual offence against a Minor. It also includes any offence related to child pornography as that term is defined in the law in Canada. For the sake of clarity, it shall not constitute a violation in and of itself for a Minor Participant to create, possess, make available or distribute images of themselves.
- 5.5.4 A Participant is presumed to know that a person is a Minor.

5.5.5 It is prohibited for a Participant to create, possess, make available or distribute images that sexualize or contain nudity of another person in the absence of Consent.

5.5.6 Where there is a Power Imbalance, sexual acts or communications (electronic or otherwise) between any Participant and another Participant are prohibited.

5.5.7 Examples of Sexual Maltreatment include, without limitation:

- a) Reprisal or a threat of reprisal for the rejection of a sexual solicitation or advance, where the reprisal is made or threatened by a Participant who has more power in the context of a relationship that involves a Power Imbalance, or if the person to whom the solicitation or advance is made is a Minor;
- b) Pressuring a person to engage in sexual activity, including by making repeated advances that are known or ought to be known to be unwelcome;
- c) Questions asked of a person about their sexual preferences, sexual history, sexual organs or sexual experiences, particularly when such questions are asked by a Participant who has more power in the context of a relationship that involves a Power Imbalance, or asked of a Minor or Vulnerable Participant;
- d) Sexual attention when the person giving the attention reasonably knows or ought to know that the attention is unwanted or unwelcome or where the object of the attention is a Minor. Sexual attention includes but is not limited to comments about a person's appearance, body or clothing that could be objectively perceived by another person as being sexual in nature, practical jokes based on sex, intimidating sexual remarks, propositions, invitations or familiarity.
- e) Unwelcome remarks based on gender which are not of a sexual nature but which are demeaning such as derogatory gender-based jokes or comments.

Grooming

5.6.1 Grooming is conduct that may precede other behaviours defined as Sexual Maltreatment, or is carried out in conjunction with other forms of Sexual Maltreatment. Repeated Boundary Transgressions by a Participant toward a Minor or Vulnerable Participant may also be deemed to be Grooming, even in the absence of deliberate intention to facilitate a sexual relationship.

5.6.2 In assessing whether Grooming has occurred, the existence of a Power Imbalance should be taken into account.

5.6.3 The Grooming process is often gradual and involves building trust and comfort with a person, and sometimes also with the protective adults and peers around the person. It may begin with subtle behaviours that may not appear to be inappropriate but that can serve to sexualize a relationship, reduce sexual inhibitions, or normalize inappropriate behaviour. It may include the testing of boundaries (e.g., seemingly accidental touching) that gradually escalates to Sexual Maltreatment (e.g. sexualized touching). It is acknowledged that many victims/survivors of sexual abuse do not recognize the Grooming process as it is happening, nor do they recognize that this process of manipulation is part of the overall abuse process.

Boundary Transgressions

5.7.1 Identifying a Boundary Transgression is dependent on context, including the age of the persons involved and the existence of a Power Imbalance. It may be the case that a particular act or communication does not meet the threshold of any of the types of Maltreatment but is an act or communication that is nonetheless viewed as inappropriate in the circumstances. The assessment of the behaviour should consider whether the behaviour would raise concern in the mind of a reasonable observer, what objective appears to be guiding the interaction, and whose needs are being met. Even if the act in question does not, on its own, objectively cause harm to another person, a Boundary Transgression is nonetheless an act that should be corrected in order to ensure the safety and security of all members involved in sport, recognizing that Boundary Transgressions are often part of the Grooming process.

- 5.7.2 Recognizing that there may be a need to be flexible in the way in which such Boundary Transgressions are addressed, a Boundary Transgression may trigger review of the circumstances and potentially be resolved informally, or a formal conduct review may be initiated.
- 5.7.3 Consequences can range from formal disciplinary action to simply recording the circumstances and its resolution and retaining it in the record of the Participant in the event future Boundary Transgressions occur. A repeated Boundary Transgression after a consequence should be treated seriously.
- 5.7.4 The concept of Boundary Transgressions is intended to be broad in scope. By way of example and not limitation, a Boundary Transgression may be a circumstance where:
- a) one person uses contact information available to the person for the purpose of sport, to make contact with a person for a purpose that is not related to sport;
 - b) a Participant uses or attempts to use a line of communication with another person that is not within the typical communication channels;
 - c) communicating privately with a Minor through social media or text;
 - d) a Participant inappropriately shares personal photographs;
 - e) a Participant arranges for or engages in inappropriate sharing of locker rooms;
 - f) one-on-one meetings that are not held in an open and observable environment;
 - g) there is inappropriate private travel or transportation; and
 - h) providing personal gifts.

Discrimination

- 5.8.1 Discrimination can include overt or subtle forms of harm that uniquely define the adverse or inequitable experiences of marginalized persons.
- 5.8.2 The following are examples of Discrimination if they are based on one or more of the grounds of Discrimination within the definition:
- a) Denying someone access to services, benefits, or opportunities;
 - b) Treating a person unfairly;
 - c) Communicating hate messages or unwelcome remarks or jokes;
 - d) The perpetuation of misogynistic, racist, ableist, homophobic, or transphobic attitudes and stereotypes.
- 5.8.3 Discrimination does not require an intention to cause harm.

Subjecting a Participant to the Risk of Maltreatment

- 5.9.1 Sport administrators or other sport decision-makers in positions of authority who place Participants in situations that they know or ought to have known make the Participant vulnerable to Maltreatment are subjecting a Participant to the risk of Maltreatment.

Aiding and Abetting

- 5.10.1 Aiding and Abetting is any act or communication taken with the purpose of directly assisting, furthering, facilitating, promoting, or encouraging the commission of Maltreatment or other Prohibited Behaviour by or against a Participant.
- 5.10.2 Aiding and Abetting also includes, without limitation:
- knowingly allowing any person who is suspended or is otherwise ineligible to participate in Hockey Northwestern Ontario's activities; providing any coaching-related advice or service to an athlete who is suspended or is otherwise ineligible; and allowing any person to violate the terms of their suspension or any other sanctions imposed.

Failure to Report

- 5.11.1 Failure to Report possible Maltreatment or other Prohibited Behaviour:
- a) It is a violation for any adult Participant who knew or ought to have known of a Participant's Prohibited Behaviour toward another person to fail to Report such conduct.

For clarity, a Participant is not obligated to Report an instance of Prohibited Behaviour to which they were personally subject.

- b) Where information regarding a Participant's Prohibited Behaviour toward another adult is made known to an adult Participant through an explicitly confidential Disclosure, the adult Participant shall not be required to Report the information obtained through that Disclosure. Nevertheless, if an adult Participant knew or ought to have known of the Participant's Prohibited Behaviour for reasons other than the explicitly confidential Disclosure, it remains a violation for them to fail to Report such conduct.
- c) The person making the Report does not need to determine whether a violation took place: instead, the responsibility lies in Reporting the objective behaviour. Early intervention is required to prevent escalation, hence the obligation on all adult Participants to Report.
- d) The Reporting Obligation is ongoing and is not satisfied simply by making an initial Report. The Reporting Obligation includes Reporting, on a timely basis, any and all relevant information of which an adult Participant becomes aware.
- e) It is a violation for any adult Participant to fail to fulfill any applicable legal Duty to Report.

Intentionally Reporting a False Allegation

5.12.1 It is a violation to Report a knowingly false allegation, or influence another to Report a knowingly false allegation, that a Participant engaged in Prohibited Behaviour. An allegation is false if the events Reported did not occur, and the person making the Report knows at the time of Reporting that the events did not occur.

5.12.2 A false allegation is different from an unsubstantiated allegation; an unsubstantiated allegation means there is insufficient supporting evidence to determine whether an allegation is true or false. Absent demonstrable bad faith, an unsubstantiated allegation alone is not a violation of the Policy.

Interference with or Manipulation of Process

5.13.1 It is a violation of the Policy for a Participant to directly or indirectly interfere with or manipulate an investigation or disciplinary review process by:

- a) knowingly destroying, falsifying, distorting, concealing, or misrepresenting information, with the intent to interfere with or influence the resolution process or the implementation of an outcome;
- b) attempting to discourage or prevent a person's proper participation in or use of the processes;
- c) harassing or intimidating any person involved in the processes before, during, and/or following any proceedings;
- d) failing to comply with any temporary or provisional measure or final sanction;
- e) influencing or attempting to influence another person to interfere with or manipulate the process; or
- f) distributing or otherwise publicizing materials a Participant gains access to during an investigation or hearing into an alleged breach of this Policy, except as required by law or as expressly permitted.

5.13.2 All Participants are expected to act in good faith throughout any investigation or disciplinary review process, and the sole purpose of Section 5.13 is to provide a means to discipline those who do not. In recognition that a victim/survivor, of sexual abuse in particular, may conceal information out of embarrassment, shame or to protect the perpetrator, absent demonstrable bad faith, minimizing or concealing in such circumstances is not a violation of this Policy.

Retaliation

- 5.14.1 It is considered retaliation for a Participant to take an adverse action against any person for making a good faith Report of possible Prohibited Behaviour or for participating in any enforcement process related to this Policy.
- 5.14.2 Retaliation includes threatening, intimidating, harassing, coercing, negatively interfering with sport participation, or any other conduct that would discourage a reasonable person from engaging or participating in an investigation or disciplinary review process related to behaviour prohibited by the Policy. Retaliation after the conclusion of these processes is also prohibited, even where there is a finding that no Prohibited Behaviour occurred. Retaliation does not include good-faith actions lawfully pursued in response to a Report of possible Prohibited Behaviour.

OTHER PROCEEDINGS AND RECOGNITION OF SANCTIONS

Facts Accepted by Courts or Professional Disciplinary Tribunals

- 6.1.1 Facts accepted by a criminal court, by a civil court or by a professional disciplinary tribunal of competent jurisdiction shall be admissible as evidence within the applicable enforcement process related to this Policy, as allowable by applicable law.

Criminal Code Convictions

6.2.1 Automatic Sanctions

A Participant convicted of a Criminal Code offence for conduct considered to be Prohibited Behaviour shall be automatically sanctioned, subject to a right to challenge only the sanction.

6.2.2 Convictions Under Appeal

If the criminal conviction is under appeal, the Participant shall continue to serve the Policy sanction until such time as the conviction is overturned and is not subject to a further appeal, or the sanction is completed, whichever is earlier.

6.2.3 Convictions Successfully Overturned

If the criminal conviction is successfully overturned, violations of this Policy arising from the same situation may still be asserted and sanctions imposed against the Participant. In such cases, evidence of facts accepted by the criminal court shall be admissible within the applicable enforcement process related to this Policy, as allowable by applicable law.

Findings from Other Proceedings

A Participant shall be deemed to have violated the Policy if found guilty of an offence or of misconduct considered to be Prohibited Behaviour by:

- a) a foreign criminal court;
- b) a professional disciplinary tribunal of competent jurisdiction; or
- c) a sport organization's disciplinary process or a specialized sports tribunal.

The Participant shall be automatically sanctioned, with consideration given to any sanctions imposed in such other proceeding, subject to a right to challenge:

- a) the sanction; or
- b) the deemed violation, based on a violation of procedural fairness and/or natural justice in the relied-upon proceeding.

RANGE OF POSSIBLE SANCTIONS

Temporary or Provisional Measures

Prior to the final resolution of an alleged violation of the Policy, temporary or provisional measures may be imposed in accordance with Hockey Northwestern Ontario's policies.

Temporary or provisional measures should be evaluated with consideration to and weighing of the following factors:

- (i) the seriousness of the allegations and the facts and circumstances of the case;
- (ii) the safety and well-being of Participants and the sport community;
- (iii) potential risks and prejudice from action and inaction, with safety being paramount; and
- (iv) the best interest of sport and those who participate in it, including the views of the person(s) directly impacted.

Types of Sanctions

Different incidents constituting a violation of the same part of the Policy may arise out of markedly different circumstances, including various case-specific aggravating and/or mitigating factors as described in Section 7.4. However, progressive discipline is not required as a single occurrence of Prohibited Behaviour can lead to a very significant sanction. Subject to Section 7.3, if Prohibited Behaviour is confirmed one or more of the following sanctions may be imposed:

7.2.1 Verbal or Written Apology

The requirement that a Participant issue a verbal, written or online apology to acknowledge the Prohibited Behaviour and its impact on others.

7.2.2 Verbal or Written Warning

A verbal reprimand or an official, written notice and formal admonition that a Participant has violated the Policy and that more severe sanctions will result should the Participant be involved in other violations.

7.2.3 Education

The requirement that a Participant undertake specified supplemental educational or similar remedial measures to address the Prohibited Behaviour.

7.2.4 Probation

A probationary period may include a loss of privileges or other conditions, restrictions, or requirements for a specified period of time. Any further violation of the Policy during the probationary period will result in additional disciplinary measures, likely including a period of suspension or permanent ineligibility.

7.2.5 Suspension

Suspension, either for a set time or until further notice, from participation, in any capacity, in any program, practice, activity, event, or competition organized or sanctioned by Hockey Northwestern Ontario or Hockey Canada. A suspended Participant may be eligible to return to sport but reinstatement may be subject to certain restrictions or contingent upon the Participant satisfying specific conditions noted at the time of suspension.

7.2.6 Eligibility Restrictions

Restrictions or prohibitions from some types of participation but allowing participation in other capacities under strict conditions.

7.2.7 Permanent Ineligibility

Permanent ineligibility to participate, in any sport, in any capacity, in any program, activity, event, or competition organized or sanctioned by Hockey Northwestern Ontario or Hockey Canada.

7.2.8 Other discretionary sanctions

Other sanctions for Prohibited Behaviour may be imposed, including, but not limited to, other loss of privileges, loss of right to attend or spectate sport events, no contact directives, a fine or a monetary payment to compensate for direct losses, or other restrictions or conditions as deemed necessary or appropriate.

Presumptive Sanctions

7.3.1 The following sanctions are presumed to be fair and appropriate for the listed Maltreatment, but the Respondent may rebut these presumptions:

- a) Sexual Maltreatment involving a Minor shall carry a presumptive sanction of permanent ineligibility;
- b) Sexual Maltreatment, Physical Maltreatment with contact, Grooming, and Prohibited Behaviour described in Sections 5.9 to 5.14 shall carry a presumptive sanction of either a period of suspension or eligibility restrictions;
- c) While a Respondent has pending charges under the Criminal Code regarding allegations of a crime against a person, if justified by the seriousness of the offence, the presumptive sanction shall be a period of suspension until a final determination is made by the applicable enforcement process related to this Policy.

7.3.2 Failure to comply with a previously imposed sanction will result in automatic suspension until such time as compliance occurs.

Sanctioning Considerations

Any sanction imposed against a Participant must be proportionate and reasonable, relative to the Maltreatment that has occurred. Factors relevant to determining appropriate sanctions for a Respondent include, without limitation:

- a) The nature and duration of the Respondent's relationship with the affected individuals, including whether there is a Power Imbalance or position of trust;
- b) The Respondent's prior history and any pattern of Prohibited Behaviour or other inappropriate conduct;
- c) Any previous disciplinary findings regarding, or sanctions against, the Respondent;
- d) Maltreatment of a Minor or of a Vulnerable Participant is to be considered an aggravating circumstance;
- e) The ages of the persons involved, including when the Respondent is a Minor, whereby Maltreatment by a Minor of a child under the age of 12 or of a Vulnerable Participant is to be considered an aggravating circumstance;
- f) Whether the Respondent poses an ongoing and/or potential threat to the safety of others;
- g) The Respondent's voluntary admission of the violation(s), acceptance of responsibility for the Prohibited Behaviour, and/or cooperation in the applicable enforcement process related to this Policy;

- h) Real or perceived impact of the incident on the affected individuals, sport organization or the sporting community;
- i) Deterrent effect on future such conduct;
- j) Potential impact on the public's confidence in the integrity of the Canadian sport system;
- k) Aggravating or mitigating circumstances specific to the Respondent being sanctioned (e.g. lack of appropriate knowledge or training regarding the requirements in the Policy; addiction; disability; illness; lack of remorse; intent to harm);
- l) Whether, given the facts and circumstances that have been established, the Respondent's continued participation in the sport community is appropriate;
- m) Whether the Respondent was found to have committed of one or more previous violation(s) of this Policy;
- n) The desired outcomes of the person(s) directly impacted by the Prohibited Behaviour; and/or
- o) Other mitigating and aggravating circumstances.

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.

DISCLOSURE OF SANCTIONS

- 8.1 In order to uphold the purpose and principles of the Policy, Hockey Northwestern Ontario is required to report all proven violations of this Policy to Hockey Canada for record keeping purposes. Hockey Canada may be required to share or disclose this information to other organizations, including the Office of the Sport Integrity Commissioner, Sport Canada, as well as other National Sports Organizations, Multi Sport Organizations, or Provincial/Territorial Sport Organization, in order to ensure that the violation is appropriately actioned across all relevant sporting environments.

APPENDIX I: DEFINITIONS

- a) **Boundary Transgressions:** Interactions or communications that breach objectively reasonable boundaries of an individual and are inconsistent with duties/responsibilities of the Participant. See Section 5.7.
- b) **Consent:** The communicated voluntary agreement to engage in the activity in question, by a person who has the legal capacity to consent. Consent regarding sexual activity is assessed in accordance with the laws of Canada, including the Criminal Code.
- c) **Criminal Code:** The Criminal Code of Canada (Criminal Code, R.S.C. 1985, c. C-46, as amended).
- d) **Disclosure:** The sharing of information by a person regarding an incident or a pattern of Maltreatment experienced by that person, including a breach of reasonable boundaries. Disclosure does not constitute a formal Report.
- e) **Discrimination:** Behaviour, policies, and/or practices that contribute to differential, inequitable, adverse or otherwise inappropriate treatment of or impact on an individual or class of individuals based on one or more prohibited grounds, which include race, national or ethnic origin, colour, Indigeneity, religion, age, sex, sexual orientation, gender identity or expression, pregnancy, marital status, family status, language, genetic characteristics or disability, and analogous grounds. Behaviour, policies, and/or practices specifically benefitting members of marginalized groups shall not be considered Discrimination. Discrimination does not include behaviour, policies and/or practices rationally connected to legitimate sport objectives with the honest and good faith belief that they are reasonably necessary to accomplish the relevant objectives, provided that accommodation of the needs of an individual or a class of individuals affected would impose undue hardship on the Participant and/or Hockey Northwestern Ontario that would have to accommodate those needs, considering health, safety, cost, and legitimate sport objectives. See Section 5.8.

- f) **Grooming:** Deliberate conduct by a Participant comprised of one or several acts that, viewed objectively, either make it easier to engage in Sexual Maltreatment or reduce the chance that Sexual Maltreatment will be Reported. See Section 5.6.
- g) **Legal Duty to Report:** The legal obligation to report potential abuse of a person under the age of protection in their province or territory of residence, in accordance with applicable provincial and territorial legislation.
- h) **Maltreatment:** A volitional act and/or omission described in Sections 5.2-5.6 that results in harm or has the potential for physical or psychological harm.
- i) **Minor:** For the purpose of the Policy, an individual who is under the age of 19 years old. It is at all times the responsibility of the adult Participant to know the age of a Minor.
- j) **Neglect:** Any pattern or a single serious incident of lack of reasonable care, inattention to a Participant's needs, nurturing or well-being, or omissions in care. See section 5.4.
- k) **Participant:** Any player, coach, manager, referee, volunteer, doctor, trainer, administrator, director or any other individual who is registered or affiliated with a club, team, association, league, sports school, sports school with residence, or any similar entity registered with Hockey Northwestern Ontario which participates in or officiates games or activities of any kind sponsored or organized by Hockey Northwestern Ontario or any of its member partners.
- l) **Physical Maltreatment:** Any pattern or a single serious incident of deliberate conduct, including contact behaviours and non-contact behaviours as outlined in Section 5.3, that has the potential to be harmful to a person's physical or psychological well-being. See Section 5.3.
- m) **Power Imbalance:** A Power Imbalance is presumed to exist where a Participant has authority or control over another person, is in a position to confer, grant or deny a benefit or advancement to the person, or is responsible for the physical or psychological well-being of the person. Whether an actual Power Imbalance exists will be determined based on the totality of the circumstances, including the subjective view of the subordinate Participant.
 - i. Once a coach-athlete relationship is established, a Power Imbalance is presumed to exist throughout the coach-athlete relationship, regardless of the age of the athlete.
 - ii. Where the coach-athlete relationship began while the athlete was a Minor, the Power Imbalance is presumed to continue even after the coach-athlete relationship terminates, until the athlete reaches 25 years of age.
 - iii. A Power Imbalance may exist, but is not presumed, where a sexual or romantic relationship existed between two adult Participants before the sport relationship commenced (e.g., a relationship between two spouses or life partners, or a sexual relationship between Consenting adults that preceded the sport relationship).
 - iv. A Power Imbalance is presumed to exist where the Participant and other person are in 1) an authority-based relationship in which one person has power over another by virtue of an ascribed position of authority, such as between high performance director and coach; employer and employee; technical official and athlete; 2) a dependency relationship in which the person in a position of lesser power is dependent upon the other person for a sense of security, safety, trust, and fulfillment of needs, conducive to intimate physical or psychological connections, such as between parent/guardian and child; teacher and student; person with a disability and attendant; coach and athlete; high performance director and athlete; sport science and medical support staff and athlete; billet or host family and athlete.
 - v. A presumption that Power Imbalance exists may be rebutted.
 - vi. A Power Imbalance may arise in a peer-to-peer relationship, including but not limited to teammate-teammate, athlete-athlete, coach-coach or official-official relationships.
 - vii. Power may be represented by seniority, age differential, ability, physical size, public profile, gender identity or expression, sexual orientation, ethno-racial identity, level of physical and intellectual disability, and their intersections, as some examples.
 - viii. Maltreatment occurs when this power is misused. Moreover, it is recognized that those from marginalized groups have experienced positions of lesser power.
- n) **Prohibited Behaviour:** Any of the conduct described in Section 5, including but not limited to Maltreatment.

- o) **Psychological Maltreatment:** Any pattern or a single serious incident of deliberate conduct that has the potential to be harmful to a person's psychological wellbeing. See Section 5.2.
- p) **Reporting (or Report):** The provision of information by a Participant or by any person to an authority designated by Hockey Northwestern Ontario to receive Reports regarding Prohibited Behaviour. Reporting may occur through either: (i) the person who experienced the Prohibited Behaviour, or (ii) someone who witnessed the Prohibited Behaviour or otherwise knows or reasonably believes that Prohibited Behaviour or a risk of Prohibited Behaviour exists.
- q) **Reporting Obligation:** The obligation to Report possible Prohibited Behaviour under the Policy. See Section 5.11.
- r) **Respondent:** A Participant who is alleged to have engaged in one or more of the Prohibited Behaviours described herein.
- s) **Sexual Maltreatment:** Any pattern or a single incident, whether physical or psychological in nature, that is committed, threatened, or attempted, and that has the potential to be harmful to a person's sexual integrity. See Section 5.5.
- t) **Vulnerable Participant:** Persons at increased risk of Maltreatment and/or coercion, often due to age, gender, race, poverty, Indigeneity, sexual orientation, gender identity or expression, disability, psychosocial or cognitive ability, and their intersections. Vulnerable Participants include persons who are not able to provide informed Consent.