



# **Hockey New Brunswick Safe Sport Policy Manual**

Policy History:

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## **1.0 Hockey New Brunswick's Commitment to Safe Sport**

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Hockey New Brunswick and its Members have a fundamental responsibility and legal and ethical obligation to protect the health, safety and physical and mental well-being of every individual that is involved in the sport of hockey under the jurisdiction of Hockey New Brunswick.

Hockey New Brunswick and its Members take any situation involving misconduct or maltreatment very seriously. For this reason, we are committed to enacting and enforcing strong, clear, and effective policies and processes for preventing and addressing all forms of misconduct or maltreatment.

The policies are intended to promote a Safe Sport environment in a manner that allows for consistent, immediate, appropriate, and meaningful action should any issues arise, but also to prevent issues from arising in the first place by communicating expected standards of behaviour.

Hockey New Brunswick also recognizes the recent development of the Universal Code of Conduct to Prevent and Address Maltreatment in Sport ("UCCMS") and its responsibilities to integrate the UCCMS into its policies.

### **What is Safe Sport?**

Safe Sport provides a framework to ensure that everyone in the sport of hockey is able to enjoy the sport. Players, coaches, officials and volunteers have the right to participate in a safe and inclusive environment that is free of maltreatment including abuse, harassment and discrimination.



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## 2.0 Definitions

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*The terms defined below shall apply to all policies included in this Safe Sport Manual.*

- **Athlete** includes any individual who is a registered to compete for Hockey New Brunswick sanctioned team.
- **Bullying** is defined as the combined use of negative aggression and power. It occurs when one or more individuals abuses power and directs verbal, physical or social aggression at another individual. Harm inflicted by Bullying may be physical, psychological, social or educational.
- **Complainant** is a Participant or observer who makes a report of an incident under this Policy.
- **Complaints Committee** a committee that will review 'Major Infractions' and determine next steps. The Committee members will consist of the Hockey New Brunswick President, Vice President, Risk and Safety Committee Chair and the respective Council / Commission Chair from which the Infraction occurred (Minor Council, Female Commission, Elite Hockey Commission, Junior Commission or Senior Council).
- **Criminal Record Check** a search of the RCMP Canadian Police Information Centre (CPIC) system for adult convictions completed through your local police department or accredited third party provider.
- **Discrimination** differential treatment of an individual based on one or more prohibited grounds which include race, colour, religion, national origin, ancestry, place of origin, age, physical disability, mental disability, marital status, family status, sexual orientation, sex, gender identity or expression, social condition or political belief or activity.
- **Event** An event sanctioned by Hockey New Brunswick.
- **Harassment** includes engaging in a course of vexatious comments or behaviours that are known or ought reasonably to be known to be unwelcome, including but not limited to unwanted behaviour that is based on discrimination prohibited by human rights legislation and includes sexual harassment.
- **Grooming** constitutes deliberate conduct by an adult or any individual who holds power over a participant to sexualize a relationship with a Minor that involves the gradual blurring of boundaries and normalization of inappropriate and sexually abusive behaviour.
- **Individuals** refers to all categories of Members and/or registrants defined in the Bylaws of Hockey New Brunswick, as well as all people employed by, contracted by, or engaged in activities with, Hockey New Brunswick, including, but not limited to, employees, athletes, coaches, instructors, officials, volunteers, managers, administrators, committee members, parents or guardians, spectators, and Directors and Officers



- **Maltreatment** means volitional acts that result in harm or the potential for physical or psychological harm. Maltreatment can take many forms, but generally includes any act, lack of an action or deliberate behaviour, by a person(s) in a position of trust that causes physical, emotional and/or sexual harm or damage to another person. Maltreatment also includes child abuse, which can be defined as any form of physical, emotional and/or sexual mistreatment or lack of care which causes physical injury or emotional damage to a child, whether done in person or through technology (including but not limited to computers, the Internet, cell phones, cameras, web cameras and other media).
  
- **Members** outlined in Article 4.1 of the Hockey New Brunswick Constitution:
  - a. Individuals elected in accordance with HNB's By-Laws and Regulations,
  - b. Individuals appointed in accordance with HNB's By-Laws and Regulations,
  - c. All hockey associations, clubs, teams, leagues and Individuals,
  - d. Parents or guardians or registered participants and individuals that are associated in any capacity, category or affiliation with activities under the jurisdiction of HNB in New Brunswick.
  
- **Minor** means an individual who is under the age of majority at the time and in the jurisdiction where an incident of Maltreatment, Bullying or Harassment occurred. In New Brunswick, any person under the age of 19 is considered a Minor.
  
- **Neglect** means any pattern or a single serious incident of lack of reasonable care, inattention to a Minor's needs, nurturing or well-being, or omission in care.
  
- **Participant** means any Hockey New Brunswick Athlete, Staff, or Team Personnel.
  
- **Parties** means the groups involved with the particular dispute. In the *Discipline and Complaints Policy*, the Parties are the Complainant and Respondent.
  
- **Persons in authority** means any Individual who holds a position of authority within Hockey New Brunswick including, but not limited to, coaches, instructors, officials, managers, support personnel, chaperones, committee members, and Directors and Officers
  
- **Respondent** is an individual who is alleged to have engaged in a violation of this Policy.
  
- **Social Media** means the catch-all term that is applied broadly to new computer-mediated communication media such as blogs, YouTube, Facebook, Instagram, Tumblr, TikTok, Snapchat, and Twitter.
  
- **Staff** means any person paid by or volunteering with Hockey New Brunswick.
  
- **Team Personnel** includes but is not limited to coaches, managers, medical personnel, or other team support personnel engaged with Hockey New Brunswick.



- **Vulnerable Individuals** includes Minors and adults who, because of age, disability or other circumstance, are in a position of dependence on others or are otherwise at a greater risk than the general population of being harmed by people in positions of trust or authority.
- **Vulnerable Sector Check** means a detailed check that includes a search of the RCMP Canadian Police Information Centre (CPIC) system, Local Police Information, and the Pardoned Sex Offender database.



### 3.0 Code of Conduct & Ethics Policy

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#### Purpose

The purpose of this Code is to ensure a safe and positive environment within the programs, activities, and Events by making Individuals aware that there is an expectation, at all times, of appropriate behaviour consistent with the applicable organization's core values and policies. Hockey New Brunswick supports equal opportunity, prohibit discriminatory practices, and is committed to providing an environment in which all individuals can safely participate in sport and are treated with respect and fairness.

#### Application of this Code

- a) This Code applies to any Individual's conduct during activities, and Events including, but not limited to, competitions, practices, evaluations, training camps, travel associated with organizational activities, and any meetings.
- b) This Code also applies to Individuals' conduct during Hockey New Brunswick sanctioned programming when such conduct adversely affects the organization's relationships (and the work and sport environment) or is detrimental to the image and reputation Hockey New Brunswick. Such applicability will be determined by HNB (as applicable), at its sole discretion.
- c) Any Individual who violates this Code may be subject to sanctions pursuant to the *Discipline and Complaints Policy*. In addition to facing possible sanctions pursuant to the *Discipline and Complaints Policy*, an Individual who violates this Code during a competition may be removed from the competition or training area, and the Individual may be subject to further sanctions.

#### Responsibilities

Individuals have a responsibility to:

- a) Conduct themselves in a manner consistent with the [True Sport principles](#).
- b) Maintain and enhance the dignity and self-esteem of Members and other Individuals by:
  - i. Treating each other with the highest standards of respect and integrity;
  - ii. Focusing comments or criticism appropriately and avoiding public criticism of athletes, coaches, officials, organizers, volunteers, employees, or other participants;
  - iii. Consistently demonstrating the spirit of sportsmanship, sport leadership, and ethical conduct;
  - iv. Acting, when appropriate, to correct or prevent practices that are unjustly discriminatory;
  - v. Consistently treating Individuals fairly and reasonably; and
  - vi. Ensuring adherence to the rules of the sport and the spirit of those rules.



- c) Refrain from any behaviour that constitutes Harassment, Sexual Harassment, Bullying, Discrimination, or any form of Maltreatment.
- d) Refrain from the use of power or authority in an attempt to coerce another person to engage in inappropriate activities.
- e) Refrain from consuming tobacco products, cannabis, or recreational drugs while participating in the programs, activities, competitions, or Events of Hockey New Brunswick.
- f) In the case of minors, not consume alcohol, tobacco, or cannabis at any competition or Event.
- g) When driving a vehicle to, from or in connection with an Event:
  - i. Not drive without a license or while their license is suspended;
  - ii. Not be under the influence of alcohol, cannabis, or illegal drugs or substances;
  - iii. Have valid car insurance; and
  - iv. Refrain from using a mobile device.
- h) Respect the property of others and not wilfully cause damage.
- i) Promote sport in the most constructive and positive manner possible.
- j) Adhere to all federal, provincial, territorial, municipal and host country laws.
- k) Comply, at all times, with the bylaws, policies, procedures, and rules and regulations of Hockey New Brunswick and its Members.
- l) Report any ongoing criminal investigation, conviction, or existing bail conditions involving Team Personnel and Staff to Hockey New Brunswick, including, but limited to, those for violence, child pornography, sexual offences, or possession, use, or sale of any illegal or prohibited substance method.

### **Board, Council, Commission, Committee Members, and Staff**

In addition to the above responsibilities board, council, commission, committee members and Staff of Hockey New Brunswick will have additional responsibilities to:

- a) Ensure their loyalty prioritizes the interests of Hockey New Brunswick.
- b) Act with honesty and integrity and conduct themselves in a manner consistent with the [True Sport principles](#).
- c) Ensure that financial affairs are conducted in a responsible and transparent manner with due regard for all fiduciary responsibilities.
- d) Comply with the *Screening Policy*.
- e) Conduct themselves openly, professionally, lawfully and in good faith.
- f) Be independent and impartial and not be influenced by self-interest, outside pressure, expectation of reward, or fear of criticism.
- g) Behave with decorum appropriate to both circumstance and position.
- h) Exercise the degree of care, diligence, and skill required in the performance of their duties pursuant to applicable laws.
- i) Respect the confidentiality appropriate to issues of a sensitive nature.
- j) Respect the decisions of the majority and resign if unable to do so.





- k) Commit the time to attend meetings and be diligent in preparation for, and participation in, discussions at such meetings.
- l) Have a thorough knowledge and understanding of all governance documents.

NOTE: Hockey New Brunswick Staff, board, council, commission and committee members will be required to sign the '*Code of Conduct and Conflict of Interest Policy*'.

### **Team Personnel**

In addition to the above responsibilities, Team Personnel may have many additional responsibilities. The coach-athlete relationship is a privileged one and plays a critical role in the personal, sport, and athletic development of the athlete. Coaches must understand and respect the inherent power imbalance that exists in this relationship and must be extremely careful not to abuse it, either consciously or unconsciously. Coaches and instructors will:

- a) Create an environment that is safe and healthy, both physically and emotionally, to the end that the growth and development of all participants, particularly players, is enhanced.
- b) Treat all persons fairly, with respect, and without discrimination, making appropriate allowances for anyone who is at a disadvantage, and regardless of race, colour, religion, national origin, ancestry, place of origin, age, physical disability, mental disability, marital status, family status, sexual orientation, sex, gender identity or expression, social condition or political belief or activity.
- c) Create opportunities for players to take responsibility, develop leadership skills and acquire self-esteem.
- d) Recognize individual objectives, needs and differences in designing and implementing programs and activities.
- e) Develop and communicate rules which are reasonable, and which are fairly and consistently applied.
- f) Ensure that winning takes second place to fair play and good sportsmanship, both in one's own conduct and that of others, particularly players.
- g) Not take advantage of another person's error or oversight and accede to any reasonable request that does not prejudice one's own team.
- h) Consistently display high personal standards, modeling behaviour that is expected of others, and projecting a favourable image of the sport of hockey.
- i) Show respect for the rules of the game and showing respect for and refrain from criticism of officials, other coaches, and other teams' players.
- j) With respect to one's own players, offer comment or criticism in a constructive manner
- k) Abstain from the use of tobacco, alcohol, or cannabis products while in the presence of children.



- l) Refrain from the use of profane, insulting, harassing or otherwise offensive language in the performance of duties.
- m) Regularly engage in activities designed to acquire skills and knowledge appropriate to one's responsibilities and then implement that skill and knowledge.
- n) Evaluate the effectiveness and appropriateness of programs and activities and be willing and able to make changes when that evaluation so indicates.
- o) Seek out criticism and be able to accept and benefit from such criticism.
- p) Subordinate one's own objectives and needs to those of the players.
- q) Apart from disciplinary considerations, ensure that all players receive a fair share of ice time.
- r) Communicate effectively with others and, when dealing with a Minor, their parents or guardians.
- s) Initiate remedial or disciplinary action when appropriate and participate cooperatively in disciplinary proceedings when underway.
- t) Comply with the Screening Policy.

### **Athletes**

In addition to the above responsibilities, Athletes will have additional responsibilities to:

- a) Abide by the rules of hockey, the policies of Hockey New Brunswick and principles of good sportsmanship.
- b) Respect my teammates, coaches, team officials, referees, opponents, opposing coaches, opposing team officials and other participants in Hockey New Brunswick sanctioned games, practices, and other association activities.
- c) Not make any derogatory comments as to another individual's race, colour, religion, national origin, ancestry, place of origin, age, physical disability, mental disability, marital status, family status, sexual orientation, sex, gender identity or expression, social condition or political belief or activity.
- d) Not say or do anything that could hurt someone else physically or emotionally.
- e) Work hard to improve my skills both as an individual and as a team player.
- f) Act in a safe and responsible manner at games, practices, and all Hockey New Brunswick sanctioned activities.
- g) Support my teammates including those who are less skillful both on and off the ice.
- h) Attend all practices and games and in the event that I have a legitimate reason for not being able to attend a practice or game, I will provide my coach with as much notice as possible of my anticipated absence.
- i) Be on time and prepared to commence a game or practice in keeping with the schedule established by the coach.
- j) Play whatever position I am assigned by my coach to the best of my ability.
- k) Not lose my temper at games, practices, or association activities.



- l) Not behave in a manner or engage in any activity that would cause embarrassment or disrespect to my team or minor hockey association including smoking, vaping, drinking alcohol or using drugs.

**I understand that to be a part of Hockey New Brunswick and my respective minor hockey association, I must comply with this Code of Conduct and that my failure to do so could result in disciplinary action against me including suspension from my team and playing hockey.**

### **Officials**

In addition to the above responsibilities, officials will have additional responsibilities to:

- a) Maintain and update their knowledge of the rules and rule changes.
- b) Not publicly criticize other officials.
- c) Work within the boundaries of their position's description while supporting the work of other officials.
- d) Act as an ambassador of the sport by agreeing to enforce and abide by national and territorial rules and regulations.
- e) Take ownership of actions and decisions made while officiating.
- f) Respect the rights, dignity, and worth of all Individuals.
- g) Act openly, impartially, professionally, lawfully, and in good faith.
- h) Be fair, equitable, considerate, independent, honest, and impartial in all dealings with others.
- i) Respect the confidentiality required by issues of a sensitive nature, which may include discipline processes, appeals, and specific information or data about Individuals.
- j) Comply with the *Screening Policy*.
- k) When writing reports, set out the actual facts to the best of their knowledge and recollection.

### **Parents/Guardians and Spectators**

In addition to the above responsibilities, parents/guardians and spectators at Events will:

- a) Ensure, to the best of your ability, that your child abides by the rules of hockey, the policies of Hockey New Brunswick and principles of good sportsmanship.
- b) Ensure, to the best of your ability, that your child respects their teammates, coaches, officials, opponents and other participants in Hockey New Brunswick sanctioned games, practices, and other association activities.
- c) Ensure, to the best of your ability, that your child conduct themselves in a manner that minimizes the risk of injury, both physical and psychological, to themselves and others which includes refraining from making any derogatory comments regarding another individual's race, colour, religion, national origin, ancestry, place of origin, age, physical



disability, mental disability, marital status, family status, sexual orientation, sex, gender identity or expression, social condition or political belief or activity.

- d) Ensure you and all supporters of your child refrain from criticism of coaches, officials, teammates, opponents, and other participants in Hockey New Brunswick sanctioned games and other association activities. When you feel that criticism is warranted, you shall offer it in a manner that is fully respectful, through proper channels and away from the hockey rink in any event.
- e) Ensure you and all supporters of your child refrain from directing comments which are insulting, intimidating, humiliating, hurtful, malicious, degrading or otherwise offensive to players, coaches, officials, opponents, and association volunteers including, but not restricted to division coordinators, board members, executive members and staff. If you feel that criticism of any such person is warranted, you shall offer it in a manner that is fully respectful, through proper channels and away from the hockey rink in any event.
- f) Ensure you and all supporters of your child refrain from discussing the weaknesses of other team players and/or coaching staff with your child.
- g) Familiarize yourself with and abide by the policies and procedures of Hockey New Brunswick and your respective minor hockey association.

### **Minor hockey associations / clubs**

Minor hockey associations / clubs will:

- a) Adhere to all Hockey New Brunswick's governing documents and, where necessary, amend their own rules to comply or align with those of Hockey New Brunswick.
- b) Recognize that their websites, blogs and Social Media accounts may be seen as extensions of their organization and must reflect their mission, vision and values.
- c) Ensure that all players and coaches participating in sanctioned competitions and Events are registered and in good standing.
- d) Have well-defined coach and team volunteer selection process and standards in place including interviews, reference checks, and screening procedures to ensure players have a healthy and safe sport environment.
- e) Have well-defined and transparent player selection criteria.
- f) Ensure that any possible or actual misconduct is investigated promptly, thoroughly and in accordance with this Policy.
- g) Impose appropriate disciplinary or corrective measures when misconduct has been substantiated, regardless of the position or authority of the offender.
- h) Advise Hockey New Brunswick immediately of any situation where a Complainant or Respondent has publicized a complaint in the media.
- i) Regularly review association by-laws, policies and operational manuals.



## 4.0 Maltreatment, Bullying and Harassment Protection and Prevention Policy

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Hockey New Brunswick is committed to contributing to the physical, psychological, social, and spiritual health of individuals of varying abilities, backgrounds and interests. Hockey New Brunswick firmly believes that only when sport environments are safe and inclusive can these values be realized. Participants in Hockey New Brunswick's programming should have the reasonable expectation that it will be in an environment that is accessible, inclusive and is free from all forms of Maltreatment, Bullying and Harassment.

### Purpose

The purposes of the Maltreatment, Bullying and Harassment Protection and Prevention Policy are:

1. To provide a safe environment for participants in all Hockey New Brunswick sanctioned programming.
2. To align with the Respect in Sport Activity Leader and Parent programs delivered through Hockey Canada and Hockey New Brunswick.
3. To promote a commitment to eliminating Maltreatment, Bullying and Harassment for all participants through education, awareness and prevention.
4. To establish principles and guidelines, as well as appropriate responses to instances of Maltreatment, Bullying and Harassment.

### A. Forms of Maltreatment:

Maltreatment can include the following types of behaviour:

***i) Psychological Maltreatment*** occurs when any Participant, including a Participant in a position of power, repeatedly or severely attacks another Participant's self-esteem through use of language, gestures or other behaviour that is degrading, isolating, humiliating, terrorizing, rejecting, or corrupting. This can be done in person or through technology. Psychological Maltreatment includes, without limitation:

- i. Verbal acts, such as verbally assaulting or attacking someone. Examples of prohibited verbal acts include: unwarranted personal criticisms; body shaming; derogatory and/or discriminatory comments related to one's identity; comments that are demeaning, humiliating, belittling, intimidating, insulting or threatening; the use of rumours or false statements about someone to diminish the person's reputation; and using confidential sport and non-sport information inappropriately.
- ii. Non-assaultive physical acts, which are physically aggressive behaviours without physical contact. Example of prohibited non-assaultive physical acts include: throwing objects at or in the presence of others without striking another; and hitting, striking or punching objects in the presence of others.



- iii. Acts that deny attention or support. These are acts of commission that deny attention, which include: ignoring psychological needs or socially isolating a person repeatedly or for an extended period of time; abandonment of a participant as punishment for poor performance; and arbitrarily or unreasonably denying feedback, training opportunities, support or attention for extended periods of time and/or asking others to do the same.

Psychological Maltreatment does **not** include any decision taken by Team Personnel not to select a Athlete for a particular Team, or any decision to limit Athlete's ice time or role within a Team, so long as the decision was made in good faith and does not include behaviour of the type described in i, ii, or iii.

**ii) Physical Maltreatment** occurs when any Participant, including a Participant in a position of power, physically hurts or by any means deliberately creates a significant risk of physical harm to another Participant. Physical Maltreatment includes, without limitation:

- i. Contact behaviours, such as: punching, kicking, beating, striking, strangling, slapping another, or deliberately striking another with objects.
- ii. Non-contact behaviours, including: isolating a person in a confined space; forcing a person to assume a painful stance or position for no legitimate athletic purpose; the use of exercise for the purposes of punishment; withholding, recommending against, or denying adequate hydration, nutrition, medical attention or sleep; denying access to a toilet; providing alcohol to a Participant under the legal drinking age; providing illegal drugs or non-prescribed medications to a Participant; encouraging or knowingly permitting an Athlete to return to play prematurely following any injury or after a concussion and without the clearance of a medical professional; and encouraging an Athlete to perform a skill for which they are known to not be developmentally ready.

**iii) Neglect** Includes, without limitation: not providing an Athlete recovery time and/or treatment for a sport injury; not being aware of and not considering a Participant's physical or intellectual disability; not considering supervision of an Athlete during travel, training, or competition; failing to ensure safety of equipment or environment; allowing a Participant to disregard sport's rules, regulations, and standards; and subjecting Participants to the risk of Maltreatment.

**iv) Sexual Maltreatment**, which is a form of sexual violence, includes any act targeting a Participant's sexuality, gender identity, or gender expression that is committed, threatened, or attempted against a Participant, and includes but is not limited to the Criminal Code offences of sexual assault, sexual exploitation, sexual interference, invitation to sexual touching, indecent exposure, voyeurism, and non- consensual distribution of sexual/intimate images. Sexual Maltreatment also includes sexual harassment and stalking, cyber-harassment, cyber-stalking of a sexual nature, and engaging in Grooming.

Examples of Sexual Maltreatment may include, without limitation:



- Any penetration of any part of a person’s body, however slight, with any object or body part by a person upon another person, including but not limited to vaginal or anal penetration by a penis, object, tongue, or finger;
- Any intentional touching of a sexual nature of any part of a person’s body, however slight, with any object or body part by a person upon another person, including but not limited to:
  - o Kissing;
  - o Intentional touching of the breasts, buttocks, groin or genitals, whether clothed or unclothed, or intentionally touching of another with any of these body parts;
  - o Any contact, no matter how slight, between the mouth of one person and the genitalia of another person;
  - o Making another touch themselves or someone else with or on breasts, buttocks, groin or genitals; and
  - o Any intentional touching in a sexualized manner.
- Showing sexual videos or images in person, via the Internet, or by text or instant messaging;
- Flashing or exposing genitals, in person, via the Internet, or by text or instant messaging;
- Asking or forcing a person to pose for seductive or sexual photos or videos;
- Asking or forcing a person to listen to sexual talk and/or subjecting a person to instructive questions, comments, or observations of a sexual nature;
- Teasing about sexual body parts; and
- Engaging in voyeurism or unwanted watching.

**v) Aiding and Abetting** is any act taken with the purpose of facilitating, promoting or encouraging the commission of Maltreatment by another Participant. Aiding and Abetting includes, without limitation, knowingly:

- i. Allowing any Participant who has been suspended or is otherwise ineligible as a result of a violation of this Policy, to be in any way associated with sport ;
- ii. Providing any coaching-related advice or service to a Participant who has been suspended or is otherwise ineligible; and
- iii. Allowing any Participant to violate the terms of their suspension or any other sanctions imposed pursuant to this Policy.

Maltreatment (including Maltreatment of a Minor and Aiding and Abetting) in any form may lead to criminal liability under the *Criminal Code*, as well as to sanctions in accordance with this Policy.

## **B. Forms of Bullying:**



Bullying is defined as the combined use of negative aggression and power. It occurs when one or more Participants direct verbal, physical or social aggression at another Participant. Harm inflicted by Bullying may be physical, psychological, social or educational.

Bullying includes a continuum of hurtful behaviours that can range in severity from name-calling to criminal assault.

There are many forms of Bullying:

- i) **Physical Bullying** includes inappropriate conduct directed towards a participant (e.g. hitting, kicking, shoving, spitting, beating up), or towards a participant's property (e.g. stealing or damaging property).
- ii) **Verbal Bullying** includes name-calling, mocking, hurtful teasing, humiliating or threatening participant.
- iii) **Social Bullying** includes rolling your eyes or turning away from a participant, excluding participant from a group, gossiping or spreading rumours, setting other participants up to look foolish, or damaging friendships.
- iv) **Cyber Bullying** includes the use of Social Media platforms, email, cell p hones, text messages and internet sites to threaten, harass, embarrass, humiliate, socially exclude or damage another participant's reputation and relationships.

The following is a list of examples of Bullying behaviours that are used to intimidate, distress or control others:

- Unwarranted yelling and screaming;
- Continually criticizing a participants' abilities;
- Blaming and humiliating another participant for mistakes;
- Making unreasonable demands related to performance;
- Repeated insults or put downs;
- Repeated threats to remove or restrict opportunities or privileges;
- Denying or discounting a participant's accomplishments; and
- Threats of and actual physical or sexual violence;

Bullying in any form can lead to criminal liability under the Criminal Code, and in certain circumstances may also constitute Maltreatment.

## **C. Forms of Harassment**

### ***i) General***

Harassment can occur in person, virtually, in writing, or through a third party. Harassment may occur between peers (e.g.: player to player of the same age group, parent to official, coach to coach) or between a Participant in a position of power or authority over another Participant (e.g.: coach to player, sports administrator to employee).





Harassment can be generally defined as engaging in a course of vexatious comments or behaviours against a person that is known or ought reasonably to be known to be unwelcome, and includes, without limitation, abuse of power, harassment based on protected grounds of discrimination under human rights legislation and sexual harassment. Harassing behaviour can involve comments, conduct or gestures which are insulting, intimidating, humiliating, hurtful, malicious, degrading or otherwise offensive. It may also include behaviour which creates an uncomfortable environment, or which might reasonably be expected to cause embarrassment, insecurity, discomfort, offense or humiliation to another Participant or group. Harassing behaviour includes, but is not limited to:

- Written or verbal abuse or threats;
- Unwelcome remarks, jokes, innuendos, or taunting about a Participant's body, sexual orientation, gender identity or expression, attire, age, marital status, ethnic or racial origin, religion;
- Displaying of racist or other offensive or derogatory material;
- Racial, ethnic or religious graffiti;
- Practical jokes which cause awkwardness or embarrassment, endangering a Participant's safety or negatively affecting performance;
- Hazing or initiation rites;
- Obscene gestures;
- Intimidation;
- Behaviour which undermines self-respect or adversely affects performance or working conditions;
- False accusations of Harassment motivated by malice or mischief, and meant to cause harm to other Participants; and
- In certain circumstances, Harassment could be criminal in nature

### ***ii) Abuse of Power***

Abuse of power can constitute Harassment:

- When submission to any conduct is made (either implicitly or explicitly) a condition of employment/volunteering/participating;
- When rejection of such conduct is used as a basis for any decision; or
- When such conduct has the purpose or the effect of interfering with a Participant's work/sport performance or creating an intimidating, offensive or hostile environment.

### ***iii) Sexual Harassment***

Sexual Harassment can be defined as engaging in a course of vexatious comment or conduct against a Participant because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome; or making a sexual solicitation or advance where the Participant making the



solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the recipient and the Participant knows or ought reasonably to know that the solicitation or advance is unwelcome. In sexual Harassment, power is derived from targeting another's gender, sexuality, sexual orientation, or some other physical or psychological vulnerability related to sexuality. It can include but is not limited to:

- Displaying of sexually offensive pictures, cartoons or other materials;
- Persistent or unwelcome invitations or requests;
- Unwelcome questions or sharing of information regarding a Participant's sexuality, sexual activity or sexual orientation;
- Conduct or comments intended to create, or having the effect of creating, an intimidating, hostile or offensive environment; or
- Touching another Participant's body without consent.

It is important to note that some of the behaviours listed above, when directed towards a Minor, may constitute abuse under child protection legislation. This may also be true of other behaviours, for example, certain hazing practices. In such cases, the duty to report which arises under the provisions of the applicable provincial or territorial legislation and under this Policy is applicable.

All forms of Harassment listed above may also constitute Maltreatment.

#### **D. Reporting Maltreatment, Bullying and Harassment:**

Maltreatment, Harassment, and Bullying in all its forms will not be tolerated. Accordingly, all Participants are responsible for making every reasonable effort to uphold this commitment. Participants can expect to have an environment free from Maltreatment, Bullying or Harassment.

All Participants have a duty to report any form of Maltreatment, Bullying or Harassment. The obligation to report is an ongoing one and is not satisfied by making an initial report. The obligation includes reporting, on a timely basis, all relevant information of which the Participant becomes aware. As noted elsewhere in this Policy, Participants may have a corresponding duty to report the offending behaviour to law enforcement depending on the nature of the Maltreatment, Bullying or Harassment.

Participants should not investigate or attempt to evaluate the credibility or validity of allegations. Participants making a good faith report are not required to prove that the reports are true before reporting.

A Participant who is aware of Maltreatment, Bullying, or Harassment but does not report it as required by this Policy will be subject to sanction.

#### **E. Reporting Child Abuse:**



## **Duty to Report**

Child abuse is any form of physical, emotional, and/or sexual mistreatment or lack of care that causes injury or emotional damage to a Minor. Child abuse is a pervasive social problem requiring vigilance, sensitivity and care. Hockey New Brunswick is committed to help reduce and prevent the abuse and Maltreatment of Participants. Hockey New Brunswick realizes that Participants working closely with Minors are in a unique position to detect abusive situations. Therefore, these Participants have a heightened reporting responsibility to ensure the safety of Minors, by knowing the requirements of the applicable child protection legislation and following through as required.

The Government of New Brunswick child protection act is available online:

[https://www2.gnb.ca/content/gnb/en/services/services\\_renderer.9355.Child\\_Protection.html](https://www2.gnb.ca/content/gnb/en/services/services_renderer.9355.Child_Protection.html)

Included under the umbrella of child abuse is child exploitation. **Child exploitation** includes but is not limited to:

- i) The actual or attempted abuse of a position of authority, differential power or trust in relation to a Minor, with a view of benefiting sexually, monetarily, socially or politically from the use of a Minor;
- ii) Intentionally viewing, downloading or distributing any sexualized, demeaning or violent images involving Minors; or
- iii) Taking a photograph or other image of a Minor or making representations of a Minor in a way that can reasonably be interpreted as sexualized, demeaning or violent.

Any Participant engaged in a Hockey New Brunswick activity, who has reasonable grounds to suspect that a Minor participant is or may be suffering or may have suffered from any form of child abuse, has a legal obligation to immediately report the suspicion and the information on which it is based to the local child protection agency and/or the local police detachment. Immediate investigation of abuse should only take place under the advice of the police or the local child protection agency.

Everyone involved in Hockey New Brunswick activities should be aware that child abuse may be the subject of a criminal investigation and/or disciplinary procedures. Failure to report actual or suspected child abuse places a Minor at an ongoing risk of harm and, therefore, a participant who does not report actual abuse, or a reasonable suspicion of abuse, may be liable under provincial child protection legislation which may include conviction for failure to report. All participants making a report of suspected child abuse to a child protection agency are protected against civil action, unless that person is proven to have acted maliciously or without reasonable grounds for the suspicion.



## **F. Investigating Maltreatment, Bullying and Harassment Complaints:**

All complaints related to Maltreatment, Bullying and Harassment will be sent to Hockey Canada's Independent Third Party who will determine jurisdiction. All investigations will adhere to all principles of natural justice, providing procedural and substantive due process for all parties to the investigation.

Additional information on Hockey Canada's Independent Third Party is available in Section 9.4.



## 5.0 Athlete Protection Policy

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### Purpose

This *Athlete Protection Policy* describe how Persons in Authority shall maintain a safe sport environment for all Athletes.

### Interactions between Persons in Authority and Athletes – the ‘Rule of Two’

Hockey New Brunswick and its Members strongly recommend the ‘Rule of Two’ for all Persons in Authority who interact with Athletes. The Coaching Association of Canada describes the intention of the ‘Rule of Two’ as follows:

*A coach must never be alone or out of sight with a minor athlete. Two NCCP trained or certified coaches should always be present with an athlete, especially a minor athlete, when in a potentially vulnerable situation such as in a locker room or meeting room. All one-on-one interactions between a coach and an athlete must take place within earshot and in view of a second coach except for medical emergencies. One of the coaches must also be of the same gender as the athlete. Should there be a circumstance where a second screened and NCCP trained or certified coach is not available, a screened volunteer, parent, or adult can be recruited.*

Hockey New Brunswick recognizes that fully implementing the ‘Rule of Two’, as described above, in all circumstances, may not always be possible. Consequently, at a minimum, interactions between Persons in Authority and Athletes must respect the following:

- a) The training environment should be open and transparent so that all interactions between Persons in Authority and Athletes are observable.
- b) Private or one-on-one situations must be avoided unless they are open and observable by another adult or Athlete.
- c) Persons in Authority shall not invite or have a Vulnerable Individual in their home without the written permission and knowledge of the Vulnerable Individual's parent or guardian and following the ‘Rule of Two’ / two deep rule.
- d) Vulnerable Individuals must not be in any situation where they are alone with a Person in Authority without another screened adult or Athlete present unless prior written permission is obtained from the Athlete’s parent or guardian.

### Practices and Competitions

As it relates to practices and/or competitions, the following shall be respected:

- a) A Person in Authority should never be alone with a Vulnerable Individual prior to or following a competition or practice unless the Person in Authority is the Athlete’s parent or guardian.



- b) If the Vulnerable Individual is the first Athlete to arrive, the Athlete's parent should remain until another Athlete or screened Person in Authority arrives.
- c) If a Vulnerable Individual would potentially be alone with a screened Person in Authority following a competition or practice, the screened Person in Authority should ask another Person in Authority (or a parent or guardian of another Athlete) to stay until all of the Athletes have been picked up. If an adult is unavailable, another Athlete, who is preferably not a Vulnerable Individual, should be present in order to avoid the Person in Authority being alone with a Vulnerable Individual.
- d) Persons in Authority giving instructions, demonstrating skills, or facilitating drills or lessons to an individual Athlete should always do so within earshot and eyesight of another screened Person in Authority.

### **Communications**

Communications between Persons in Authority and Athletes should respect the following:

- a) Group messages, group emails or team pages are to be used as the regular method of communication between Persons in Authority and Athletes.
- b) Persons in Authority may only send texts, direct messages on Social Media or emails to individual Athletes when necessary and only for communicating information related to team issues and activities (e.g., non-personal information). Any such texts, messages or emails shall be professional in tone.
- c) Electronic communication between Persons in Authority and Athletes that is personal in nature should be avoided. If such communication occurs, it must be recorded and available for review by another Person in Authority and/or by the Athlete's parent/guardian.
- d) Parents and guardians may request that their child not be contacted by a Person in Authority using any form of electronic communication and/or to request that certain information about their child may not be distributed in any form of electronic communications.
- e) All communication between a Person in Authority and Athletes must be between the hours of 7:00 a.m. and 11:00 p.m. unless extenuating circumstances justify otherwise. (Example – early morning practices / late game, etc or emergencies).
- f) Communications concerning drugs or alcohol use (unless regarding its prohibition) is not permitted.
- g) No sexually explicit language or imagery or sexually oriented conversation may be communicated in any medium.
- h) Persons in Authority are not permitted to ask Athletes to keep a secret for them.

### **Travel**

Any travel involving Persons in Authority and Athletes shall respect the following:

- a) Teams or groups of Athletes shall always have at least two screened Persons in Authority with them.



- b) For mixed gender teams or groups of Athletes, there should be one screened Person in Authority from each gender.
- c) Screened parents or other volunteers will be available in situations when two Persons in Authority cannot be present.
- d) No Person in Authority may drive a vehicle alone with an Athlete unless the Person in Authority is the Athlete's parent or guardian.
- e) A Person in Authority may not share a room or be alone in a hotel room with an Athlete unless the Person in Authority is the Athlete's parent or guardian.
- f) Room or bed checks during overnight stays must be done by two screened Persons in Authority.
- g) For overnight travel when Athletes must share a hotel room, roommates will be age-appropriate (e.g., within two years of age of one another) and of the same gender identity.

### **Locker Room/Changing Areas**

The following shall apply to locker rooms, changing areas, and meeting rooms:

- a) Interactions (i.e., conversations) between Persons in Authority and Athletes should not occur in any room where there is a reasonable expectation of privacy such as a locker room, restroom or changing area. A second adult should be present for any necessary interaction between an adult and an Athlete in any such room (i.e. the Rule of Two must be respected)
- b) If Persons in Authority are not present in the locker room or changing area, or if they are not permitted to be present, they should still be available outside the locker room or changing area and be able to enter the room or area if required, for reasons including, but not limited to, team communications and/or emergencies.

### **Photography/Video**

Any photograph or video involving an Athlete shall respect the following:

- a) Photographs and video may only be taken in public view, must observe generally accepted standards of decency, and be both appropriate for and in the best interest of the Athlete.
- b) The use of recording devices of any kind in rooms where there is a reasonable expectation of privacy is strictly prohibited.
- c) If any photographs or videos will be used on any form of public media, an Image Consent Form must be completed before any images are taken and used.

### **Physical Contact**



It is recognized that some physical contact between Persons in Authority and Athletes may be necessary for various reasons including, but not limited to, teaching a skill or tending to an injury. Any physical contact shall respect the following:

- a) Unless it is otherwise impossible because of serious injury or other justifiable circumstance, a Person in Authority must always clarify with an Athlete where and why any physical contact will occur prior to the contact occurring. The Person in Authority must make clear that he or she is requesting to touch the Athlete and not requiring physical contact
- b) Infrequent, non-intentional physical contact during a training session is permitted
- c) Hugs lasting longer than five seconds, physical horseplay, and physical contact initiated by the Person in Authority is not permitted. It is recognized that some Athletes may initiate hugging or other physical contact with a Person in Authority for various reasons (e.g., such as celebrating or crying after a poor performance), but this physical contact should always be limited to circumstances where the Person in Authority believes it is in the best interest of the Athlete and when it occurs in an open and observable environment.

#### **Enforcement**

Any alleged violations of this *Athlete Protection Policy* shall be addressed pursuant to the Organization's *Discipline and Complaints Policy*.





## 6.0 Screening Policy

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### Purpose

Hockey New Brunswick understands that screening personnel and volunteers is a vital part of providing a safe sporting environment and has become a common practice among sport organizations that provide programs and services to the sport community.

### Screening requirements

All Hockey New Brunswick coaches, team volunteers and officials must complete the following:

- Vulnerable Sector Check
- Criminal Record Check every 3 years
- Respect in Sport Activity Leader course

Hockey New Brunswick encourages minor hockey associations to include letter of reference and application form as part of their coach / volunteer application process.

NOTE: Criminal Record Checks and Vulnerable Sector Checks are only required for members 18 years of age and older.

### Procedure

- i. Coaches and volunteers will submit screening documents in a sealed envelope to respective minor hockey association.
- ii. Minor hockey association will mail all information to Hockey New Brunswick office, prior to **December 15<sup>th</sup>**.
- iii. Hockey New Brunswick staff will update the individuals records in the Hockey Canada Registry. Should offenses be listed in the individual's Criminal Record Check or Vulnerable Sector Check, it will be sent to the Risk and Safety Committee for review. The Risk and Safety Committee in their sole discretion can determine if the individual is:
  - a. Permitted to coach / volunteer
  - b. Permitted to coach / volunteer with conditions
  - c. The individual did not pass the screening requirements, and may not participate
  - d. More information is required from the individual
- iv. An individual who refuses or fails to provide the necessary screening documents will be ineligible to volunteer or apply for the position sought. The individual will be



informed that their application and/or position will not proceed until such time as the screening documents are submitted.

## Records

All records will be maintained in a confidential manner and will not be disclosed to others except as required by law, or for use in legal, quasi-legal, or disciplinary proceedings.

The records kept as part of the screening process include, but are not limited to:

- a) An individual's Vulnerable Sector Check.
- b) An individual's Criminal Record Check (for a period of three years).
- c) Records of any conditions attached to an individual's registration by the Screening Committee.
- d) Records of any discipline applied to any individual by HNB, or by another sport organization.
- e) HNB shall destroy records after 7 years.

## Criminal Convictions

An individual's conviction for any of the following *Criminal Code* offenses may result in expulsion from Hockey New Brunswick and the Member and/or removal from designated positions, competitions, programs, activities and events upon the sole discretion of Hockey New Brunswick:

In making its decision, the Screening Committee will consider the type of offense, date of offense, and relevance of the offense to the position sought. The following examples are considered to be offenses that may cause the individual to not pass the screening requirements or to have conditions imposed on the individual by the Screening Committee:

- a) If imposed in the last ten years:
  - i. Any offense for trafficking and/or possession of drugs and/or narcotics
  - ii. Any offense involving conduct against public morals
  - iii. Any offense involving theft or fraud
  
- b) If imposed at any time:
  - i. Any offense involving a Minor or Minors
  - ii. Any offense of physical or psychological violence
  - iii. Any crime of violence including, but not limited to, all forms of assault
  - iv. Any offense involving trafficking of illegal drugs
  - v. Any offense involving the possession, distribution, or sale of any child-related pornography
  - vi. Any sexual offense

Note: At the discretion of Screening Committee, other charges may prevent an individual from volunteering.



## **Conditions and Monitoring**

Excluding the incidents above which, if revealed, would cause the individual to not pass screening, the Screening Committee may determine that incidents revealed on an individual's screening documents may allow the individual to pass the screening process and participate in a desired position with *conditions* imposed. The Screening Committee shall have the sole and unfettered discretion to apply and remove conditions, determine the length of time for the imposition of conditions, and determine the means by which adherence to conditions may be monitored.



## 7.0 Social Media Policy

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### **Purpose**

Hockey New Brunswick is aware that Individual interaction and communication occurs frequently on Social Media. Hockey New Brunswick and its Members caution Individuals that any conduct falling short of the standard of behaviour required by this *Social Media Policy* and the *Code of Conduct and Ethics* may be subject to the disciplinary sanctions identified within the *Discipline and Complaints Policy*.

### **Application of this Policy**

This Policy applies to all Individuals.

### **Conduct and Behaviour**

The following Social Media conduct may be subject to disciplinary action in accordance with the *Discipline and Complaints Policy*:

- a) Posting a disrespectful, hateful, harmful, disparaging, insulting, or otherwise negative comment on a social medium that is directed at an Individual, Official, Hockey New Brunswick, Member, Team or at other individuals connected with HNB or its Members.
- b) Posting a picture, altered picture, or video on a social medium that is harmful, disrespectful, insulting, or otherwise offensive, and that is directed at an Individual, Official, Hockey New Brunswick, Member, Team or at other individuals connected with HNB or its Members.
- c) Creating or contributing to a Facebook group, webpage, Instagram account, Twitter feed, blog, or online forum devoted solely or in part to promote negative or disparaging remarks or commentary about an Individual, Official, Hockey New Brunswick, Member, Team or at other individuals connected with HNB or its Members., their stakeholders, or their reputation.
- d) Inappropriate personal or sexual relationships over a social medium between Individuals who have a power imbalance in their interactions, such as between Athletes and coaches, Directors and Officers, Committee members and staff, officials and Athletes, etc.
- e) Any instance of cyber-bullying or cyber-harassment between one Individual and another Individual, where incidents of cyber-bullying and cyber-harassment can include, but are not limited to, the following conduct on any social medium, via text message, or via email: insults, negative comments, vexatious or unwelcome behaviour, pranks or jokes, threats, posing as another person, spreading rumours or lies, or other harmful behaviour.

All conduct and behaviour occurring on Social Media may be the subject of a complaint pursuant to the *Discipline and Complaints Policy*.

### **Individuals' Responsibilities**



Individuals acknowledge that their Social Media activity may be viewed by anyone, including Hockey New Brunswick, Members or other Individuals.

When using Social Media, an Individual must model appropriate behaviour befitting the Individual's role and status in connection with Hockey New Brunswick.

Removing content from Social Media after it has been posted (either publicly or privately) does not excuse the Individual from being subject to the *Discipline and Complaints Policy*.

An Individual who believes that another Individual's Social Media activity is inappropriate or may violate the policies and procedures of Hockey New Brunswick should report the matter in the manner outlined by the *Discipline and Complaints Policy*.

### **Enforcement**

Any alleged violations of this *Social Media Policy* shall be addressed pursuant to the Organization's *Discipline and Complaints Policy*.



## **8.0 Electronic Device in Dressing Room Policy**

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### **Purpose**

Cell phones and other electronic devices with recording capabilities (audio or video), have increased the risk of bullying, abuse, and misconduct. The ability to take and share photos and videos without others' knowledge has raised concerns from Hockey New Brunswick (HNB) and its member associations.

This policy refers to the use of "Electronic Devices", which can include, but is not limited to:

- i. Cell phone
- ii. Mobile device
- iii. Camera
- iv. Voice recorder
- v. Tablet

The policy must be reviewed by coaches and team officials with their respective teams. The policy applies to all Minor Hockey programming.

### **Usage Prohibited**

The use of any Electronic Device by HNB members is prohibited in any recreational facility dressing room, washroom, or shower, during any practice, game or event that is sanctioned by HNB unless otherwise stated herein.

### **Exceptions**

Although the use of Electronic Devices is prohibited as stated above, HNB recognizes that there are special circumstances where the use of an Electronic Device may be practical:

- i. It may be acceptable to take photographs or recordings in a locker room in such unique circumstances as a victory celebration, team party, etc, where all persons in the dressing room are appropriately dressed, have been advised that photographs or recordings are being taken, and consent.
- ii. It may be acceptable for a team to have a designated coach or player to operate an Electronic Device for music playing purposes in the dressing room.
- iii. It may be acceptable for a coach to use a tablet or video camera to review game footage with players.
- iv. In the event of an emergency.
- v. If a participant requires the use of the Electronic Device for medical purposes.



## Discipline

Violations of the policy will follow Hockey New Brunswick's [Discipline and Complaints Policy](#).

### Minor infractions:

Will be dealt with at the Local Association level, as per the Discipline and Complaints Policy.

### Examples of Minor infractions:

Using Electronic Device for text messaging, a phone call, social media, etc.

### Major infractions:

Will be sent to Hockey Canada's [Independent Third Party](#) to determine jurisdiction. If the incident is returned to HNB to manage, the HNB Complaints Committee will determine disciplinary action.

### Examples of Major infractions:

Using Electronic Device for bullying, harassment, crude photography, videotaping, etc.

## **Recommended practices for Coaches and Teams**

This policy relies on the cooperation of minor hockey coaches and management, and it will be the responsibility of each minor hockey team's coaches and management to determine how they will enforce this policy in the dressing room, whether it be:

- i. Asking players to leave their phones at home, in the car, or with their parent(s) / guardian(s).
- ii. Asking players to turn their phone off when entering the dressing room or always keeping their phone in their pocket.
- iii. Collecting player's electronic devices at door of dressing room, storing them, and returning them as player's leave.



## 9.0 Discipline and Complaint Policy

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### Purpose

Individuals are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with the policies, Bylaws, rules and regulations Hockey New Brunswick. Non-compliance may result in the imposition of sanctions pursuant to this Policy.

The *Discipline and Complaints Policy* will address – Types of Infractions – Section 9.1, Investigations – Section 9.2, Alternate Dispute Resolution – Section 9.3 as well as additional information on Hockey Canada's Independent Third Party – Section 9.4.

- a) This Policy applies to alleged breaches of the Code of Conduct and Ethics Policy, Athlete Protection Policy and Social Media Policy.
- b) All complaints related to Maltreatment, Bullying and Harassment will be assessed by Hockey Canada's Independent Third Party.
- c) Complaints may be brought for or against an Individual who is a Minor. Minors may have a parent/guardian or other adult serve as their representative during this process. A minor is not required to attend a hearing, if held.

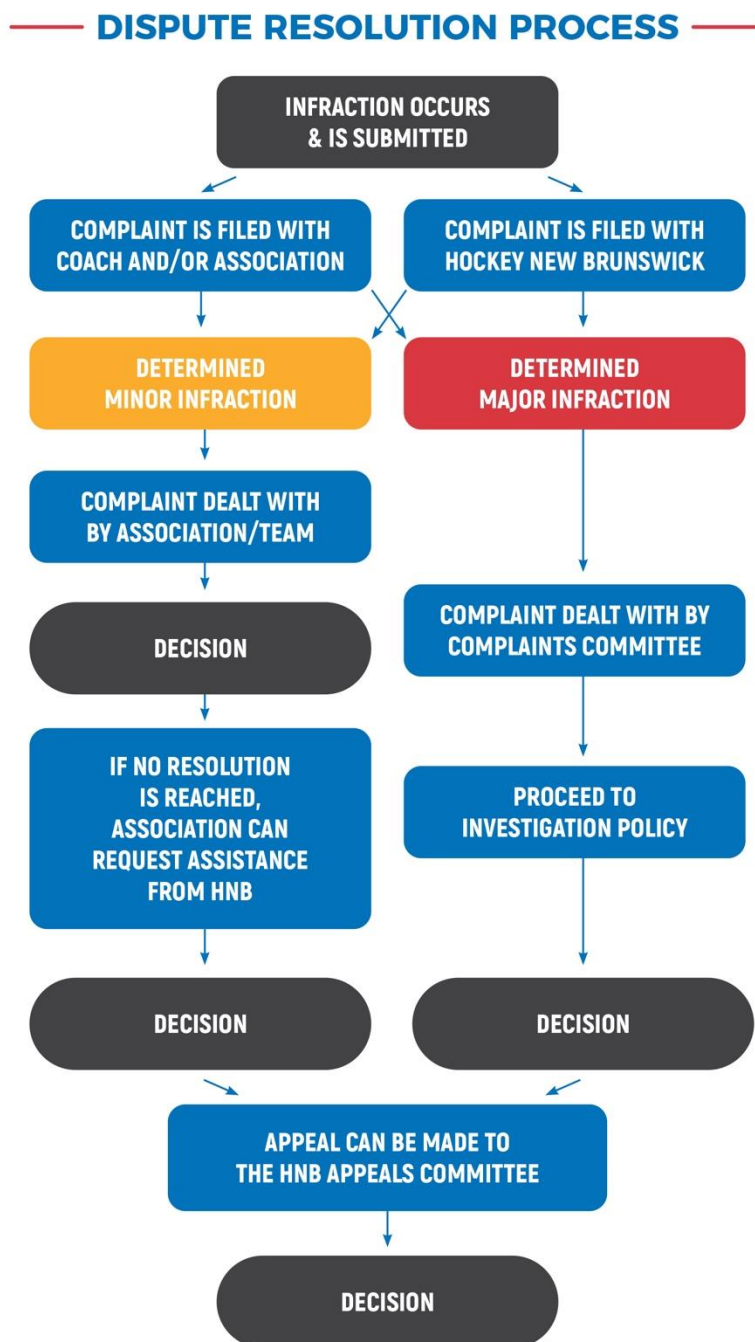




## 9.1 Types of Infractions

All complaints will be sent to Hockey Canada's Independent Third Party. Should the complaints be sent back to Hockey New Brunswick to manage, the following process will be followed:

Infractions will be categorized as either 'Minor' or 'Major' infractions.





## Minor Infraction

Situations can include but are not limited to the following **Minor Infractions**:

- a) Unsportsmanlike conduct such as disrespectful comments or gestures, angry outbursts or arguing.
- b) Non-compliance with the rules and regulations under which Hockey New Brunswick sanctioned events are carried out.
- c) Any complaint or infraction considered to be minor in nature.
- d) Comments or remarks of an inappropriate nature which are detrimental to a team, association, league, an individual or Hockey New Brunswick.
- e) Any statement deemed to be publicly critical of association officials or detrimental to the welfare of a member of a team, association, league, Hockey New Brunswick or individual.
- f) Divulging confidential information of a personal or team related nature, business or game strategy that could provide another team or individual a competitive advantage, or injury information about any player. Divulging confidential information may include, but is not limited to the following:
  - Player injuries
  - Trades or any other player movement
  - Game strategies
  - Any other matter of a sensitive nature to a member of a team, association, league, Hockey New Brunswick, or an Individual
- g) Negative or derogatory comments about any team, association, league, Hockey New Brunswick staff, volunteers, programs, stakeholder, players, or any Hockey New Brunswick member.
- h) Online activity that contradicts the current policies of Hockey New Brunswick, or any of its Member associations.

## Handling of Minor Infractions

- b) A minor infraction will be dealt with at the local Association level by Association representative in a position of authority designated by the local Association.
- c) Each Association must have procedures in place to deal with minor infractions including an individual responsible for handling of complaints. The procedures must ensure the individual being disciplined is advised of the infraction and provided a reasonable opportunity to set out their position concerning the incident.
- d) Although minor infractions will generally be dealt with by the local Association, the local Association may refer a minor infraction to the HNB Risk and Safety Committee. The Committee Chair or their designate may or may not agree to the referral. When handling the complaint or infraction the local Association should conduct a thorough



internal investigation. The local Association also has the power to discipline, sanction and/or suspend any member or Individual for the minor infraction.

- e) All sanctions and/or suspensions assessed by the local Association must be reported in writing to the Hockey New Brunswick Executive Director, within SEVEN (7) business days of the sanction being rendered.

### **Sanctions for Minor Infractions**

Disciplinary sanctions may include but are not limited to any or all of the following:

- a) Written reprimand to be placed in individual's file.
- b) Written or verbal apology by the individual.
- c) Suspension from certain or all HNB activities (e.g., competing, coaching or officiating) for a designated period of time.
- d) Removal of certain privileges of membership.
- e) Education – The requirement that an Individual undertake specified educational or similar remedial measures to address the violation.
- f) Probation – A period can be set wherein, if the Individual is found to have engaged in any behaviour prohibited by this Policy, then they will be subject to loss of privileges or other conditions, restrictions, or requirements for a specific period of time.

Where the matter has been dealt with at the local Association level, and a final decision rendered, the member would have the right to file an Appeal as outlined in the *HNB Constitution*.

### **Major Infractions**

Situations that can include but are not limited to the following **Major Infractions**:

- a) Repeated incidents of disrespectful, offensive, abusive, or behavior directed towards others, including but not limited to peers, opponents, players, parents, coaches, officials, managers, trainers, administrators, spectators and sponsors.
- b) An incident of a racist or sexist comment.
- 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 HNB 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 during Events.
- g) Any use of alcohol by minors during Events.
- h) Use of illicit drugs and narcotics during Events.



- i) Any Maltreatment, Bullying or Harassment complaint.
- k) Any other complaint or infraction which is considered serious.

### **Handling of Major Infractions**

- a) Any member, representative or parent / guardian of Hockey New Brunswick must report a major infraction to HNB using the HNB Complaint Form available from the office and/or website.
- b) In the event that Hockey Canada's Independent Third Party does not manage a complaint of Maltreatment, Bullying and Harassment, Hockey New Brunswick's Complaints Committee will review and determine next steps.
- c) Hockey New Brunswick is not required to deal with all complaints. HNB may decide not to deal with the complaint if it is of the opinion that:
  - i. Could be more appropriately dealt with under another policy, rule or regulation within Hockey New Brunswick or local Association.
  - ii. Is frivolous, vexatious or made in bad faith.
  - iii. Is not within HNB's jurisdiction.
  - iv. Is based on occurrences that are more than six months old.

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

- d) When a major complaint is to be investigated by Hockey New Brunswick, the Complaints Committee Chair or their designate may determine that the complaint be dealt with by the local Association. The Complainant, Respondent and President of the Association will be advised that the complaint is being sent to the local Association.

### **Factors to be considered when sanctions are to be imposed for Major Infractions:**

- a) In applying sanctions, the Committee responsible for the matter may have regard to the following aggravating or mitigating circumstances:
  - i. The nature and severity of the offence.
  - ii. The individual's acknowledgment of responsibility.
  - iii. The individual's extent of remorse.
  - iv. The age, maturity or experience of the individual.
  - v. The individual's prospects for rehabilitation.
  - vi. Whether the incident involved any physical contact.
  - vii. Whether the incident was an isolated incident or part of an ongoing pattern.
  - viii. The nature of the relationship between the complainant and the individual.
  - ix. Whether the individual had been involved in previous incidents.
  - x. Whether the individual admitted responsibility and expressed a willingness to change.
  - xi. Whether the individual retaliated against the complainant.



- xii. Any other factor(s) the panel deems to be relevant.
- b) Notwithstanding the process set out herein, any member or Individual of Hockey New Brunswick who is convicted of, or being investigated for, a criminal offence including, but not limited to, matters involving sexual exploitation, invitation to sexual touching, sexual interference or sexual assault, shall face an indefinite suspension from participating in any activities of Hockey New Brunswick and may face further disciplinary action in accordance with the Policies and Procedures set out herein.
- c) Failure to comply with a sanction shall result in automatic suspension of membership in Hockey New Brunswick or in organizations affiliated with the Hockey New Brunswick, until such time as the sanction is fulfilled.

### **Sanctions for Major Infractions**

Disciplinary sanctions may include any or all of the following:

- a) Written reprimand to be placed in individual's file.
- b) Written or verbal apology by the individual.
- c) Suspension from certain or all HNB activities (e.g., competing, coaching, or officiating) for a designated period of time.
- d) Referral to counseling.
- e) Removal of certain privileges of membership.
- f) Education – The requirement that an Individual undertake specified educational or similar remedial measures to address the violation.
- g) Probation – A period can be set wherein, if the Individual is found to have engaged in any behaviour prohibited by this Policy, then they will be subject to loss of privileges or other conditions, restrictions, or requirements for a specific period of time.
- h) Expulsion – Deny membership.

Any other sanction(s) as may be deemed appropriate in the circumstances

The member would have the right to file an Appeal as outlined in the HNB Constitution.

## **9.2 Investigations Policy**

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When the complaint is received, the HNB Complaints Committee will determine if it's considered a Minor Infraction or Major Infraction. As outlined in Section 9.1 Minor Infractions will be handled by the local Association and Major Infractions will be managed by Hockey New Brunswick. The below procedures will be followed for complaints specific to *Code of Conduct and Ethics Policy, Athlete Protection Policy and Social Media Policy*.



- a) For Major Infractions, a Hockey New Brunswick representative will contact the Complainant, or if the Complainant is a child, the Complainant's parent or guardian, to explain the Hockey New Brunswick Procedures, including that the complaint may proceed even if the Complainant does not want to proceed, or no longer wishes to participate, and to outline the remedies available to the Complainant. The Hockey New Brunswick Representative may ask the Complainant to prepare a formal written complaint.
- b) The HNB Complaints Committee will assign an Investigator. The investigator may be a Hockey New Brunswick volunteer or an independent third party.
- c) The complaint will result in an investigation of whether a violation of the Policy has occurred and may also result in sanctions against any person who is determined to have violated the Policy.
- d) The investigation must be completed in a timely manner taking into consideration the circumstances of the matter including its complexity and the requirements of fairness and due process.
- e) The investigator will provide the Respondent with an opportunity to respond either orally or in writing. The investigator shall provide the Respondent with adequate information regarding the complaint to allow the Respondent a fair opportunity to respond to the allegations against them. If the Respondent's response is oral, the investigator should confirm the content of the response in writing. If the Respondent does not respond within a reasonable timeframe set by the investigator, or chooses not to participate in the investigation, the investigator may proceed in the absence of their response.
- f) The investigator will provide a summary of the response from the Respondent, if received, to the Complainant. The Complainant may submit a reply to the response within a reasonable timeframe set by the investigator. If no reply is received within the time requested, the investigator can proceed in the absence of a reply. The investigator will provide a summary of the particulars from the Complainant, if received, to the Respondent.
- g) The investigator may choose to conduct interviews with either or all the parties, or other witnesses, at any time during the investigative process, at the sole and absolute discretion of the investigator.
- h) To protect the interests of all involved, confidentiality will be maintained through the complaint, investigatory and disciplinary process to the extent practicable and appropriate in the circumstances. Information obtained about an incident or complaint, including identifying information about any individuals involved, will not be disclosed unless the disclosure is necessary for the purposes of investigating or taking remedial/corrective action with respect to the incident or complaint, or is otherwise required by law. However, investigation of complaints may require disclosure of certain information to the Respondent and to other witnesses to gather pertinent facts. The investigator will remind the individuals contacted of the requirement to maintain confidentiality. A summary of any new information generated may be shared with the Complainant and the Respondent at the discretion of the investigator.



- i) Hockey New Brunswick may determine that an alleged incident is of such seriousness as to warrant suspension of an Individual pending completion of an investigation.
- j) During or following an investigation, Hockey New Brunswick may take measures to eliminate any hostile environment caused by the complaint, prevent the reoccurrence of the behaviour that has triggered the complaint, and remedy the effects of the behaviour on the Complainant. These measures may include but are not limited to counseling, training and other protective measures, including suspension, relocation, change of duties, applicable supervision, or a ban from participation in Hockey New Brunswick sanctioned programs, commensurate with the nature of the complaint and taking into account all other relevant considerations.
- k) The Complainant and the Respondent will receive in writing the results of the investigation and sanctions to be imposed, with a reminder regarding confidentiality.

Complaints which are criminal in nature, will be reported to local police authority and Hockey New Brunswick will pause any investigation. Once the police authority has concluded their investigation, Hockey New Brunswick will determine whether the investigation needs to be investigated further.

### **9.3 Alternate Dispute Resolution Policy**

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#### **Purpose**

Hockey New Brunswick supports the principles of Alternate Dispute Resolution (ADR) and are committed to the techniques of negotiation, facilitation, and mediation as effective ways to resolve disputes. ADR also avoids the uncertainty, costs, and other negative effects associated with lengthy appeals or complaints or with litigation.

Hockey New Brunswick encourages all Individuals to communicate openly, and to collaborate and use problem-solving and negotiation techniques to resolve their differences. Hockey New Brunswick believe that negotiated settlements are most often preferable to arbitrated outcomes. Negotiated resolutions to disputes with and among Individuals are strongly encouraged.

#### **Application of the Policy**

- a) This Policy applies to all Individuals.
- b) Opportunities for ADR may be pursued at any point in an investigation when all parties to the dispute agree that such a course of action would be mutually beneficial.

#### **Facilitation and Mediation**

- a) If all parties to a dispute agree to ADR, a mediator or facilitator, acceptable to all parties, shall be appointed to mediate or facilitate the dispute.



- b) The mediator or facilitator shall decide the format under which the dispute shall be mediated or facilitated and may, if they consider it appropriate, specify a deadline before which the parties must reach a negotiated decision.
- c) Should a negotiated settlement be reached, the settlement shall be reported to Hockey New Brunswick. Any actions that are to take place as a result of the decision shall be enacted on the timelines specified by the negotiated decision, pending approval of Hockey New Brunswick or the Member (as applicable).
- d) Should a negotiated settlement not be reached by the deadline specified by the mediator or facilitator at the start of the process (if set), or if the parties to the dispute do not agree to ADR, the dispute shall be considered under the appropriate section of the *Investigations Policy* or *Appeal Policy*, as applicable.

### **Final and Binding**

Any negotiated settlement will be binding on the parties. Negotiated settlements may not be appealed.





## 9.4 Hockey Canada Independent Third Party

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### Purpose

- a) The purpose of the Independent Third-Party Policy (the “ITP Policy”) is to ensure that all discipline and complaint processes in operation in Hockey New Brunswick are aligned with Hockey Canada’s Discipline and Complaints Policy.

### Hockey Canada’s Discipline and Complaints Policy

- b) Hockey Canada has developed its Discipline and Complaints Policy to provide a fully independent and procedurally fair manner to handle Complaints which remain under its jurisdiction even as it becomes a signatory to the Office of the Sport Integrity Commissioner.
- c) Hockey Canada has engaged an Independent Third-Party (“ITP”) to oversee its complaint mechanism. The ITP will be responsible for the administration of all Complaints, which will include accepting and screening Complaints, determining jurisdiction over the Complaints, determining the procedure that will be followed with respect to each Complaint, and selecting the adjudicator(s) who will be responsible for assessing whether a violation has occurred and what the appropriate discipline should be, if any.
- d) In addition to handling national-level Complaints under Hockey Canada’s direct jurisdiction (i.e. Complaints involving Organizational Participants), the ITP has also been given the discretion to, where it sees fit, handle Complaints against Member Participants. The following are examples of situations where the ITP will assume jurisdiction over a Member Complaint:

Where the Complaint features allegations of Serious Misconduct against a Member Participant;

Where, in the estimation of the ITP, a conflict of interest might exist, or be perceived to exist, if the matter was handled by the Member; or

Where the Complaint features Parties from more than one Member and the Members involved cannot agree as to who should take jurisdiction over the matter.

### Impact on Member Participants

- e) All Member Participants acknowledge that all Complaints will first be submitted to the ITP in accordance with Hockey Canada’s and Hockey New Brunswick’s direction. A link to make a direct complaint to the ITP will be displayed prominently on the home page of Hockey New Brunswick’s website. Complaints made directly to Hockey New Brunswick,



any hockey association under its jurisdiction, or to any Member Participant will be immediately referred to the ITP for handling.

- f) If the ITP does assume jurisdiction over a Complaint against a Member Participant, the Complaint will be handled pursuant to Hockey Canada's Discipline and Complaints Policy. The ultimate discipline resulting from that Complaint, if any, will be administered by the adjudicator(s) selected by the ITP. By participating in Hockey New Brunswick sanctioned programming, all Member Participants acknowledge and agree that they are bound by the ITP process for Complaints made by or against them.
- g) If the ITP does not assume jurisdiction over the Complaint, the matter will be returned to Hockey New Brunswick to be handled in accordance with its usual policies and procedures.
- h) In effect, therefore, the ITP will sit "on top" of the Hockey New Brunswick existing complaint and discipline policies and procedures as set out in the Safe Sport Policy Manual. Where a matter is returned to Hockey New Brunswick by the ITP, the process as set out in the Existing Policies will continue to be followed.