

TITLE	RESPECT MATTERS
POLICY #	Organizational Policies - 2.1
APPROVED DATE	April 25, 2024
REVISED DATE	
OWNED BY	Executive Committee

1.0 STATEMENT OF PRINCIPLES

1.1 Membership and participation in Banff Minor Hockey Association (BMHA) is a privilege, not a right.

1.2 BMHA is firmly committed to creating and fostering a positive minor hockey environment for all of its members.

1.3 BMHA is committed to be a progressive minor hockey association, leading the way in its efforts to enhance the minor hockey experience for all of its members.

1.4 Every member of BMHA is responsible to create and maintain a respectful minor hockey environment. It is expected that all members respect the game of hockey and behave in an acceptable manner.

1.5 BMHA expects its members to engage with others in an appropriate manner. Interactions should be respectful and absent of intimidation, sarcasm, harassment or discrimination.

1.6 Where a member has violated this policy, appropriate action will be taken which could include education, training and/or disciplinary action up to and including expulsion from BMHA.

2.0 DEFINITIONS

BMHA: Banff Minor Hockey Association

BMHA Discipline Committee: Committee that is chaired by the current elected BMHA President whose responsibility is to investigate Respect Concerns.

BMHA Member: As defined in Article III of the BMHA Bylaws.

Complainant: Person(s) making a formal complaint to BMHA of a breach of this policy.

Position of Trust & Authority: A member of BMHA that occupies one or more of these positions:

- i. Executive Committee Member
- ii. Board of Directors Member
- iii. Operations Committee Member
- iv. Administrative Staff
- v. Head Coach
- vi. Assistant Coach
- vii. Team Manager

Respect Concern: An incident or allegation of an incident constituting a breach of Section 6 of this policy that is appropriately reported to BMHA.

Subject(s): Person(s) who are the subject of any review or investigation by the BMHA Discipline Committee as to their role in a breach of any section of this policy.

Witness(es): Any person(s) who is not directly involved in an alleged incident however may have had occasion to witness and provide material facts to the BMHA Discipline Committee.

3.0 PURPOSE

BMHA recognizes that minor hockey is a unique and special environment where the thrill of youth competing in sport is always present. This environment, however, has the potential to create emotional circumstances for its members and this policy is intended to ensure such emotional circumstances remain suitable at all times and that Members keep their BMHA experience within an appropriate perspective.

3.1 It is the purpose of this policy to:

3.1.1 Promote positive cheering behaviours for spectators;

3.1.2 Increase the level of understanding among spectators of the importance of creating a positive and supportive environment for minor hockey participants;

3.1.3 Reduce or eliminate abusive behaviour directed to all players, coaches, assistant coaches, managers, officials, volunteers, and BMHA Board members;

3.1.4 Reduce or eliminate abusive behaviour from BMHA sanctioned activities; and

3.1.5 Foster an environment of mutual accountability within BMHA.

3.2 It is the purpose of this policy to ensure that all Respect Concerns are:

3.2.1 Promptly and impartially investigated and resolved; and

3.2.2 Preventative and sustainable measures are put into practice to maintain a respectful minor hockey environment for all members.

3.3 This policy is based on education, training and early resolution of Respect Concerns. Respect Concerns involving serious or repeated behaviours may result in progressive discipline.

4.0 SCOPE

4.1 This policy applies to all BMHA members, as defined in the BMHA Bylaws Article III.

4.2 This policy applies to all locations where BMHA sanctioned activities are carried out, including but not limited to local hockey facilities, out of town hockey facilities, Dryland facilities, team bonding venues, hotels, busses, vehicles, and meeting rooms.

5.0 BMHA DISCIPLINE COMMITTEE

5.1 The BMHA Board of Directors will make every attempt to form a Discipline Committee for each BMHA season.

5.2 The BMHA Discipline Committee shall be chaired by the current elected President or a current standing member of the Executive.

5.3 The BMHA Discipline Committee shall be comprised of a total of three (3) Members including the chair.

5.4 The chair will report to the Executive at the start of each season in writing as to who will be the other two (2) members of the BMHA Discipline Committee and their relevant qualifications to be a part of such committee.

5.5 The chair will select a panel of no less than three (3) members of the Discipline Committee to review/investigate Respect Concerns.

5.6 All Respect Concerns brought forward to the BMHA Discipline committee shall be reviewed/investigated as soon as is practicable, however, the investigation shall commence no later than seven (7) days after receiving the Respect Concern.

5.7 The subject(s) of any Respect Concern review/investigation by the BMHA Discipline Committee shall be notified in writing that they are the subject of said review/investigation at commencement of said review/investigation.

5.8 The BMHA Discipline Committee has the authority to request that a subject(s), complainant(s), and/or witness(es) be present or provide written documentation to address the nature of the Respect Concern. Nobody can be compelled to provide documentation and all involvement with an investigation shall be voluntary.

5.9 When reviewing/investigating a Respect Concern, the BMHA Discipline Committee shall consider the following factors:

5.9.1 nature and security of Respect Concern;

5.9.2 the physical nature of Respect Concern;

5.9.3 whether the Respect Concern is an isolated incident or part of a pattern;

5.9.4 BMHA history of the subject(s);

5.9.5 the nature of the relationship of the parties involved;

5.9.6 the age of the subject(s), complainant(s), and witness(es); and

5.9.7 the post incident behaviour of the subject(s). i.e. Have the subject(s) appropriately accepted responsibility and expressed a genuine desire to change the behaviour in the future.

5.10 Upon review or investigation of the Respect Concern by the BMHA Discipline Committee, the BMHA Discipline Committee shall present its findings via written report to the President of BMHA with a copy of the report also provided to the subject(s). The report shall contain:

5.10.1 all elements of paragraph 5.9

5.10.2 a summary of the relevant facts;

5.10.3 a determination as to whether the alleged Respect Concern constitutes a breach of this policy and is sustained or not sustained; and

5.10.4 recommended corrective and/or discipline action to be taken, if any. The standard of proof required to conclude a Respect Concern or allegation will be a balance of probabilities.

6.0 RESPECT CONCERNS

6.1 Abuse of Authority: The improper use of one's power and authority inherent to their position in BMHA that interferes with another's performance or that may be seen to endanger, threaten, or influence a member's position, or office. Behaviours could include yelling, belittling, intimidation, coercion, blackmail, unwanted sexual advances, favouritism, inappropriate reprimands in front of others and improperly withholding information a member requires to perform effectively.

6.2 Abuse of Game Officials: Game Officials include on-ice referee(s) and linesman(s) as well as off-ice timekeeper(s), scorekeeper(s) or other off-ice official(s). Disrespectfully disputing or arguing any decision made by a game official. Entering an official's dressing room is prohibited by coaches, team officials, players, parents and fans. Creating confrontation with officials during or after a game.

6.3 Bullying: A pattern of inappropriate behaviour that lowers a person's self-esteem or causes them anguish, torment or dejection. An act that badgers another with threats or intimidation. This may be in the form of abusive, aggressive or obnoxious behaviour. Jokes or hoaxes that create anxiety are deemed to be a form of bullying. This includes harmful actions that are communicated via written or electronic media on-line and have a connection to BMHA.

6.4 Cause Disturbance: The use of obscene or vulgar language in a boisterous manner at anyone at any time. The throwing of articles in a deliberate or aggressive manner.

6.5 Damage to Property: Vandalism or deliberate destruction of another person or entities equipment or property.

6.6 Discrimination: Treatment of a person or group in a way that illegally or unreasonably distinguishes them from other people, or denies legitimate opportunities to that person or group, based on a characteristic not pertaining to BMHA requirements.

6.7 Harassment: Conduct, comment, gesture, deed or physical contact that is unwelcome, offensive, intimidating, hostile, or demeaning, or causes embarrassment to an individual or group of individuals. Specific types of harassment include; but are not limited to:

6.7.1 Electronic Harassment: Harassment via electronic transmission including email, fax, voice mail, texting and computers or phones via social media.

6.7.2 Racial Harassment: Any action, including jokes, that expresses or promotes racial intolerance, prejudice, discord or hatred or racially offensive material. It also includes refusing to cooperate with a person based on race, colour, and place of birth, citizenship, ancestry, or ethnic background.

6.7.3 Sexual Harassment: Any conduct, comment, gesture, or physical contact of a sexual nature that is unwelcome, offensive, intimidating, hostile, humiliating, demeaning to any person or that may on reasonable grounds be perceived by that person as placing a condition of a sexual nature on any opportunity for BMHA related activities. This includes written materials, jokes and images of a sexual nature.

6.7.4 Systemic Discrimination: Where the application of policies, practices, procedures, action or inaction has an adverse effect by excluding or discriminating against individuals or groups for non-hockey-related reasons.

6.7.5 Gang Related: Any conduct that is intimidating, hostile or threatening due to gang related threats and/or wearing gang related names, signs, symbols or other representations used by gangs, to bully others, will not be tolerated.

6.8 Threats: Direct or implied expressions that may reasonably be perceived as an expression of intent to inflict harm or point out consequences that are out of proportion with the cause or circumstances. Includes written or verbal threats.

6.9 Violence: Attempted or actual exercise of physical force by a person against a member that causes or could cause physical injury to the member. Violence includes:

6.9.1 Threatening physical acts such as shaking fists, throwing objects, property damage; or

6.9.2 Physical contact such as hitting, shoving, pushing or kicking.

7.0 KEEPING RECORDS

7.1 BMHA shall continuously maintain an effective electronic database that will appropriately record all the details and results of all formal Respect Matters reviews/ investigations. This database will be referred to as the “BMHA Respect Concern electronic database” and within the BMHA office the Discipline/Suspension shared folder.

7.2 The current Discipline/Risk Management Coordinator is responsible for the proper and continued maintenance of the pre-existing BMHA Respect Concern electronic database and will provide the BMHA Registrar information that can be added to their Hockey Canada Registry (HCR) profile in the event of a suspension.

7.3 The information contained within the BMHA Respect Concern electronic database is strictly confidential and is on a need to know basis as determined by the Executive Committee.

7.4 The purpose of the BMHA Respect Concern electronic database is:

7.4.1 Allow BMHA to identify emerging trends of behaviour contrary to this policy.

7.4.2 Allow BMHA to provide support and guidance to person(s) who are part of emerging trends to facilitate changes in behaviour prior to it becoming a discipline issue.

7.4.3 Allow BMHA to track specific details of historical Respect Concerns breaches that will be considered by the BMHA Discipline Committee in determining appropriate sanctions to impose upon a subject(s).

7.5 Database Threshold

It is recognized that each and every Respect Matters breach will have its own specific set of circumstances. Specifically, some will be more serious than others.

7.5.1 On Ice Matters

All serious and flagrant on-ice incidents will be added to the database.

7.5.2 Off Ice Matters

All sustained serious Respect Concerns will be added to the database.

7.5.3 In the event that a suspension is handed out by the Disciplinary Committee then this information will also be added to the HCR, to help monitor.

8.0 POSSIBLE SANCTIONS

8.1 The resolution of a Respect Concern may involve non-disciplinary and/or disciplinary sanctions:

8.1.1 Non-disciplinary

May include Respect training, counselling, coaching, mediation, conflict resolution, facilitated discussion, and/or offering an apology to the affected person(s).

8.1.2 Disciplinary

Disciplinary action may be instituted where non-disciplinary action has not been effective, or immediately. Disciplinary action may be initiated and include the following sanctions:

- a.** Formal written reprimand to be placed in individuals file and on the database and within HCR.
- b.** Letter of Expectation.
- c.** Suspension from certain BMHA events, which may include suspension from the current game or competition or from future competitions
- d.** Suspension from certain BMHA activities such as competing, coaching, managing, officiating, etc. for a designated period of time.

- e. Suspension from all BMHA events and activities for a designated period of time.
- f. Expulsion from BMHA.
- g. Other sanctions as may be considered appropriate given the totality of the circumstances.

9.0 SUSPENSIONS/EXPULSIONS

Suspensions and/or expulsions that are imposed upon a member by the President of BMHA are binding. There is no internal BMHA appeal process.

Failure to abide by the terms of the suspension shall constitute grounds for progressive suspensions or expulsion.

An ex-BMHA member who fails to abide by an BMHA expulsion and continues to attend BMHA sanctioned events will be deemed to be a trespasser, and Police may have lawful authority to remove the expelled ex-member from the facility. The ex-member may also be charged pursuant to the Trespass to Premise Act at the discretion of the Police.

10.0 REPORTING PROCEDURE

10.1 Any BMHA Member who is aware of or affected by a Respect Concern is encouraged to take appropriate action.

10.2 If an BMHA Member is experiencing a Respect Concern, there are three categories of response options available. They are summarized below:

10.2.1 Independent Response Procedure

10.2.1.1 Whenever practicable, members are encouraged to resolve their Respect Concern directly with the person that is the cause of the concern.

10.2.1.2 The Independent Response Procedure is an effective and immediate avenue for resolution where all parties are encouraged to examine their own behaviour to ensure it is conducive to a respectful environment.

10.2.1.3 Where the Independent Response Procedure is not practical or has not been effective in resolving the Respect Concern, members may use the other procedures as listed below.

10.2.2 Assisted Response Procedure

10.2.2.1 Any BMHA member who is aware of or affected by a Respect Concern may use an Assisted Response Procedure to resolve the Respect Concern. The first step in the Assisted Response Procedure is for the member to contact the first person from the list below that he or she feels is an appropriate resource and support:

- (a)** Assistant Coach;
- (b)** Head Coach;
- (c)** Team Manager;
- (d)** Stream Director (BMHA Board); or
- (e)** BMHA Discipline/Risk Management Coordinator (BMHA Board)

10.2.2.2 The BMHA Member and the person contacted will determine the appropriate procedure to be followed.

10.2.2.3 Where the person contacted believes there may be a perceived or real conflict in his or her ability to be objective regarding the Respect Concern, he or she will find an alternate person to assist in resolving the Respect Concern. Strong consideration should be given to involving the BMHA Discipline/Risk Management Coordinator at this point.

10.2.2.4 Any Respect Concern involving criminal behaviour or systemic discrimination must be brought to the attention of the BMHA Discipline/Risk Management Coordinator.

10.2.3. Alternate Response Procedure

10.2.3.1 Anonymous reports will be considered under this policy.

- (a)** Anonymous reports of a Respect Concern can be made to a Division Coordinator or the BMHA Discipline/Risk Management Coordinator.

(b) The person receiving the anonymous report will determine if the concern warrants action and if so, who will be notified of the concern.

(c) Anonymous reports are subject to inherent constraints which may limit BMHA's ability to take action.

(d) Anonymous reports will be documented and tracked by the BMHA Discipline/Risk Management Director.

11.0 INTERFERENCE / REPRISAL

11.1 BMHA Members shall refrain from:

11.1.1 Behaving in any manner that attempts to unduly influence or interfere with an ongoing Respect Concern;

11.1.2 Attempting to or actually coercing or intimidating any witness; and

11.1.3 Soliciting, threatening, or acting in reprisal against any person that is engaged in proceedings under this policy.

11.2 BMHA Members who believe they have been subjected to reprisal by any of the methods identified above may refer the matter to their Division Coordinator or BMHA Discipline/Risk Management Coordinator.

11.3 All reports of interference and reprisals will be taken seriously and investigated under this policy. Should an investigation confirm that an interference or reprisal has occurred, the persons responsible will be held accountable and may be subject to disciplinary action.

12.0 BAD FAITH / FALSE COMPLAINTS

12.1 Bad faith and false complaints will be seen as a serious violation of this policy.

12.2 Where it is deemed that a Respect Concern was filed with malicious intent, or if it was filed and was known to be false, the person(s) responsible may be subject to disciplinary action.

13.0 CONFIDENTIALITY

13.1 Confidentiality is not the same as anonymity. In order for the policy to be effective, steps will be taken to ensure that every stage of the process is conducted with as much confidentiality as can practically be afforded.

13.2 The nature of the Respect Concern and any subsequent investigation may require that other parties are made aware of the concern.

14.0 CRIMINAL MATTERS

When the Respect Concern brought forward is determined potentially to constitute a criminal offence subsequent to an BMHA Discipline Committee review/investigation, the BMHA Discipline Committee will detail the specifics of the situation and make recommendation to the BMHA President what BMHA action should be taken. Possible recommendations include:

14.1 Advise the complainant(s) that their Respect Concern is believed to be criminal in nature and encourage the complainant(s) to report the incident outside of BMHA to the appropriate police agency.

14.2 In the most serious cases, contact the appropriate police agency to file a third party complaint alleging a criminal offence requiring police intervention/investigation. Respect Concerns constituting criminal offences that are being investigated by Police in no way precludes BMHA from enforcing its own internal sanctions as necessary.

15.0 GAME PLAY

Serious and flagrant game play violations of this policy may be reported to the BMHA Discipline/Risk Management Coordinator.

BMHA maintains the authority to provide supplemental discipline beyond that of Hockey Alberta mandatory minimum suspensions.

The following penalties are considered as serious and flagrant violations of this policy:

- All Match penalties;
- All Abuse of Official penalties;

16.0 LEGAL CONSIDERATIONS

16.1 It is essential to recognize that BMHA is legally responsible for creating a safe environment for all of the children who participate in BMHA activities. BMHA representatives and persons in positions of trust or authority are fundamentally liable with their interactions with children.

16.2 BMHA is bound by The Alberta Child, Youth and Family Enhancement Act which makes it legally mandatory for BMHA to report any and all incidents where it is believed on reasonable and probable grounds that a child is at risk of child abuse. Section 4(1) of the legislation reads as follows:

***4 (1)** Any person who has reasonable and probable grounds to believe that a child is in need of intervention shall forthwith report the matter to a director.*

***(1.1)** A referral received pursuant to section 35 of the Youth Criminal Justice Act (Canada) is deemed to be a report made under subsection (1).*

***(2)** Subsection (1) applies notwithstanding that the information on which the belief is founded is confidential and its disclosure is prohibited under any other Act.*

***(3)** This section does not apply to information that is privileged as a result of a solicitor-client relationship.*

***(4)** No action lies against a person reporting pursuant to this section, including a person who reports information referred to in subsection (3), unless the reporting is done maliciously or without reasonable and probable grounds for the belief.*

***(5)** Notwithstanding and in addition to any other penalty provided by this Act, if a director has reasonable and probable grounds to believe that a person has not complied with subsection (1) and that person is registered under an Act regulating a profession or occupation prescribed in the regulations, the director shall advise the appropriate governing body of that profession or occupation of the failure to comply.*

***(6)** Any person who fails to comply with subsection (1) is guilty of an offence and liable to a fine of not more than \$2000 and in default of payment to imprisonment for a term of not more than 6 months.*

16.3 All BMHA members who are in a position of trust or authority are bound by the statutes of the Criminal Code of Canada. The age of sexual consent is 16 years of age in Canada, however, when a person maintains a position of trust and authority over a child, sexual consent cannot be given. Section 153 (Sexual Exploitation) of the Criminal Code of Canada reads as follows:

153. (1) *Every person commits an offence who is in a position of trust or authority towards a young person, who is a person with whom the young person is in a relationship of dependency or who is in a relationship with a young person that is exploitative of the young person, and who*

(a) for a sexual purpose, touches, directly or indirectly, with a part of the body or with an object, any part of the body of the young person; or

(b) for a sexual purpose, invites, counsels or incites a young person to touch, directly or indirectly, with a part of the body or with an object, the body of any person, including the body of the person who so invites, counsels or incites and the body of the young person.