

CODE OF CONDUCT - PURPOSE AND EXPECTATIONS:

The Code of Conduct identifies the standard of behaviour, which is expected of all SMHA members and participants, which include all players, coaches, officials, volunteers, directors, officers, committee members, team managers, trainers, administrators and employees involved in SMHA activities and events.

Failure to comply with this Code of Conduct may result in disciplinary action including, but not limited to, the loss or suspension of certain or all privileges connected with the respective Member teams and/or SMHA including the opportunity to participate in SMHA activities and events, both present and future. Such discipline may include the removal or ban from an arena, games, practices and other team activities.

1. The SMHA is committed to providing a sport environment in which all individuals are treated with respect.
2. During the course of all SMHA activities, athletes, coaches, directors, volunteers, staff and others within each of the SMHA teams:
 - a) Shall conduct themselves, at all times, in a fair and responsible manner and refrain from comments or behaviours that are disrespectful, offensive, abusive, racist or sexist. In particular, the SMHA will not tolerate behaviour that constitutes harassment or abuse or bullying, and;
 - b) Shall avoid behaviour which brings the SMHA and/or its Members, or the sport of hockey into disrepute. Conduct that is prejudicial to the league including but not limited to the abuse use of alcohol and/or non-medical use of drugs, will not be tolerated, and;
 - c) Shall not use unlawful performance enhancing drugs or methods. Further to this they shall not engage in activity(s) or behaviour(s) that endanger the safety of others, and;
 - d) Shall at all times, adhere to Hockey Canada, NOHA and OHF Member Partner's operational policies, procedures and any other rules governing any competition in which they participate on behalf of the SMHA.

HAZING

The SMHA prohibits any type of initiation including the hazing of players. Any player, team official, executive member of a team, club or association having been party to or having had knowledge of any Hazing or Initiation rite shall automatically be suspended for a period of not less than one year from playing or holding office with any team, club or association affiliated with Hockey Canada.

POLICY ON ALCOHOL

The Sudbury Minor Hockey Association by virtue of its incorporation is bound by the Provincial Statutes of Ontario . The Liquor Licence Act for the Province of Ontario, dictates that it is illegal to consume alcohol at games or practices, in or about dressing rooms or team buses, or anywhere that is not a private residence or licenced establishment.

Team Staff must be aware of their exposure to liability and prosecution where issues of procurement of alcohol by minors, or the negligent supervision of alcohol product distribution occurs.

All members of the Association shall respect the laws regarding the consumption of alcohol in their jurisdiction. Underage drinking will not be tolerated.

Team officials, administrators, coaches and volunteers are discouraged from consuming alcohol during any hockey event. If alcohol is legally and responsibly consumed during the event, the individual must ensure that this consumption does not interfere with their ability to perform their duties, or to be involved in the event as a volunteer or a spectator.

All players at the bantam and midget levels will be required to attend a ***MANDATORY drug/alcohol awareness session (regardless of category)***. Any player that does not attend without a valid reason will be suspended until they attend.

No team member or team official shall be intoxicated at any time while participating in a hockey event.

Alcohol is not appropriate and will not be tolerated:

- In arena dressing rooms
- In team settings where minors are attending
- In hotel rooms when young players are left unsupervised while the team's adults attend a hospitality type setting in guest rooms or meeting rooms
- In hospitality situations where minors are present and a server does not control alcohol therefore becoming accessible to minors
- Alcoholic beverages must not be served and or provided to minors. Adults risk criminal liability, as well as civil liability, when minors consume alcoholic beverages
- Open in buses or cars when travelling to or from an event
- In a team environment while travelling on road trips, to tournaments, championships, etc.
- At team player parties hosted by other players or team officials, regardless of the age of players.
- If forced on another person

Any complaints received by the SMHA regarding these issues will be investigated by the SMHA and if necessary, referred to the local police authority.

Follow-up may include:

- Police investigation and charges relative to the appropriate statutes being violated.
- Upon findings of the SMHA and or police investigation, appropriate disciplinary action may be taken in accordance with the SMHA/NOHA/OHF/Hockey Canada Policy on Drugs, Alcohol, Abuse and Harassment.

POLICY ON DRUGS

The Sudbury Minor Hockey Association by virtue of its incorporation is bound by the Federal Statutes of Canada. The Criminal Code of Canada as well as the Controlled Drug and Substances Act prohibits use of illegal drugs. Correspondingly the Sudbury Minor Hockey Association prohibits the use of illegal drugs by all participants registered in its program. The administration of prescription drugs must be prescribed by a physician and dispensed in accordance with instructions set out by the prescribing physician.

The SMHA is unequivocally opposed to illegal drug use. This position applies to all member/participants of the game of hockey within the Hockey Canada Structure.

Those persons who counsel or assist an athlete in the use of banned and restricted substances and the methods for the purpose of performance enhancement must be considered as much at fault as the athlete using the substance or method.

In particular, the SMHA will not tolerate any encouragement of the use of such substances or methods by those in positions of leadership or influence over athletes, such as administrators, coaches, trainers, managers, medical and paramedical practitioners, sport scientists and indeed other athletes as it pertains to the use of performance enhancing drugs.

Any formal complaints received by the SMHA regarding these issues may be referred to the local police authority.

Follow-up action may include the following:

- League and or Police investigation and charges relative to the appropriate statutes being violated.
- Upon findings of the SMHA and or police investigation, appropriate disciplinary action may be taken in accordance with the SMHA/NOHA/OHF/Hockey Canada Policy on Drugs, Alcohol, Abuse and Harassment

TOBACCO

All players and team officials must respect the laws surrounding tobacco in the jurisdiction of the event (worldwide and Canada). The SMHA discourages the use of tobacco in and around hockey events. **The SMHA has a zero tolerance Policy on chewing tobacco. Any player and or team Official and or League Official who is in violation of this Policy will be suspended until the President reviews the circumstances of the allegation.**

INTERNET / SOCIAL MEDIA POLICY

Social media is prevalent in our society. The NOHA and SMHA understands the importance of social media and social networking, however, social media also allows for inappropriate unsupervised conduct which may be detrimental to the future of teams, players, staff and SMHA. SMHA participants are encouraged to visit the NOHA SOCIAL MEDIA POLICY on our website to gain further insight on the risks and to ensure that they are aware that any conduct deemed to be inappropriate may be subject to disciplinary action.

Members of the SMHA shall refrain from comments or behaviour that is bullying, disrespectful, offensive, abusive, racist or sexist. In particular, behavior that constitutes harassment or abuse will not be tolerated and will be dealt with according to the NOHA Social Media Policy.

Policy Statement:

If complaints are received, the SMHA will investigate those complaints and if the investigation process substantiates the complaint, the individuals responsible may be subject to lengthy suspensions. If the allegation is believed to have contravened the Criminal Code of Canada the matter will be referred to police.

HOCKEY AND ITS PEOPLE

It is the desire of each member of the Sudbury Minor Hockey Association to provide a safe environment for fellow members free of sexual or racial discrimination, consistent with the Charter of Rights and Freedoms enshrined in our Canadian community.

The scope of our game is national and was intended to be played by and enjoyed by participants of all heritages without risk of abuse or discrimination, verbal or otherwise.

It is for that reason, the SMHA perceives any discriminatory conduct dimly and will move swiftly to investigate and discipline where necessary offenders acting in any way contrary to this ideal before, during or after a game as reported by a Game Official, Supervisor or SMHA Executive.

DUTY OF CARE

This legal concept defines when a person or institution is obligated to protect others from harm. In certain circumstances, persons, institutions must exercise reasonable care to ensure that others are not harmed.

For example, when an employee/volunteer/officer acting on behalf of a youth organization causes harm to a child in his or her care, that person as well as the organization itself can be found legally responsible to pay damages to the child.

In this scenario, the person who causes harm can be found directly liable, and the organization can be held vicariously liable for harm done by the person who acts on its behalf. Non Profit organizations have a duty to prevent the abuse of all Child/Youth/Adult while they are participating in their programs.

The Principle of Duty of Care says that we must not act in ways which will create unreasonable hazards or put others in danger.

POLICY ON HARASSMENT, ABUSE, BULLYING, AND MISCONDUCT

1.1 POLICY STATEMENT

1.1.1 It is the policy of the SMHA that harassment, abuse or bullying of any participant in any of its programs will not be tolerated. The SMHA expects every athlete, coach; assistant coach trainer, manager, official, parent, director, officer, volunteer; employee and chaperone to take reasonable steps to safeguard the participants against harassment, abuse and bullying.

1.2 APPLICATION AND SCOPE

1.2.1 This policy applies to all members in the SMHA, as well as to all individuals participating in activities of, or employed by the SMHA but not limited to, players, parents, coaches, officials, volunteers, directors, officers, statisticians, committee members, team managers, trainers, administrators and employees.

1.2.2 This policy applies to harassment, abuse and bullying which may occur during the course of all SMHA business, activities and events, including but not limited to competition team practices, training camps, exhibitions, meetings and travel associated with these activities.

1.3 DEFINITIONS

1.3.1 a) Child - Child means a person between the ages of 0 and 16 years.

1.3.2 b) Youth - Youth means a person between the ages of 16 and 18 years.

1.3.3 c) Adult - Adult means a person who has reached the age of maturity. In the Province of Ontario, this age is 18 years.

1.3.4 Abuse

Child abuse is any form of physical, emotional and or sexual mistreatment or lack of care, which causes physical injury or emotional damage to a child. A common characteristic of forms of abuse against children and youth is an abuse of power or authority and or a breach of trust.

Abuse is an issue of child protection. Protection refers to provincial territorial or Aboriginal band-appointed child protective services. A child may be in need of protection from harm if abuse or neglect is suspected. Information about one's legal duty to report and circumstances under which reporting must occur according to child protection legislation available at www.hockeycanada.ca

1.3.5 Emotional Abuse

Emotional abuse is a chronic attack on a child's self-esteem. It is psychologically destructive behaviour by a person in a position of power, authority or trust. It can take the form of name calling, threatening, ridiculing, berating, intimidating, isolating, hazing or ignoring the child's needs.

1.3.6 Physical Abuse

Physical abuse is when a person in a position of trust or power purposefully injures or threatens to injure a child or youth. This may take the form of slapping, hitting, shaking, kicking, pulling of hair and ears, throwing, shoving, grabbing, hazing or excessive exercise as a form of punishment.

1.3.7 Sexual Abuse

Sexual abuse is when a child or youth is used by a child or youth with more power, or an adult for his or her own sexual stimulation or gratification. There are two categories: contact and non-contact.

1.3.8 Neglect

Neglect is chronic inattention to the necessities of life such as clothing, shelter, nutritious diets, education, good hygiene, supervision, medical and dental care, adequate rest, safe environment, moral guidance and discipline, exercise and fresh air. Neglect may apply in a hockey setting where there is chronic inattention in the hockey context for example when a player is made to play with injury.

1.3.9 Harassment

Harassment is offensive behaviour – emotional, physical, and or sexual – that involves discrimination against a person because of their race, national or ethnic origin, age, colour, religion, family status, sexual orientation, sex or gender, disability, marital status, or pardoned conviction. Harassment may occur when someone attempts to negatively control, influence or embarrass another person based on a prohibited ground of discrimination.

1.3.10 Bullying

Bullying describes behaviours that are similar to harassment, but occur between children under the age of twelve, or behaviours between youth or between adults that are not addressed under human rights laws. Bullying is intentionally hurting someone in order to insult, humiliate, degrade or exclude him or her. Bullying can be broken down into four categories: physical, verbal, relational (for example, trying to cut off victims from social connection by convincing peers to exclude or reject a certain person), and reactive (for example engaging in bullying as well as provoking bullies to attack by taunting them).

1.3.11 Misconduct

Misconduct refers to the behaviour or pattern of behaviour that is found, by a formal (i.e. an independent investigation) or informal process (i.e. an internal fact finding) to be contrary to the SMHA Code of Conduct and that it is not harassment, abuse or bullying.

1.3.12 Position of Trust: A position of trust identifies a setting in which someone is placed in a position of authority over another person in an ongoing relationship. A position of trust implies that someone has some degree of power over another, that the relationship is unequal. Individuals in positions of trust may be family members, friends, caregivers, volunteers, or employees. The question of whether a position of trust exists depends on the relationship and on the degree of authority, reliance and dependence in it, and not on the question of payment or salary. People may also assume positions of trust with respect to finances, rather than individuals.

1.3.13 Standard of Care: The standard of care refers to the degree or level of service, attention, care, and protection that one person owes another according to the law, usually the law of negligence. The required standard varies according to the circumstances of each situation, and determining the appropriate standard is often not a simple matter.

2.1 CONFIDENTIALITY

All investigations of harassment, bullying or misconduct will be conducted in accordance with the SMHA Privacy Policy. Disclosure of any part of the final report will be provided at the discretion of the SMHA President and where third party confidentiality is required, the report may not be provided. Upon the final determination, a summary report may be available to the relevant parties who may include, but are not limited to, the person(s) who initiated the complaint, the person(s) against whom the complaint was made, any person(s) against whom any adverse finding is made.

3.1 COMPLAINTS

3.1.1 A person who experiences harassment, any person who witnesses' harassment or any person who believes that harassment has occurred is encouraged to make it known to the offender that the behaviour is unwelcome, offensive and contrary to the values of SMHA and this policy.

3.1.2 When there is a complaint of abuse of a child participant there will be no investigation by the OHF, OHF Member Partner, or any member thereof. Any investigation will be deferred to the police or child protective agency.

a) If a complaint of abuse of a child participant results in a conviction, the SMHA, OHF Member Partner or member thereof may sanction the individual convicted.

b) If a complaint of abuse of a child participant does not result in a conviction, the SMHA, OHF Member Partner or member thereof may discipline the individual subject to the complaint.

3.1.3 If confronting the harasser is not possible, or after confronting the harasser the harassment continues, the matter should be reported to an official of the SMHA in writing

3.1.4 Once the incident is reported, the role of the official is to serve in a neutral, unbiased capacity in receiving the report of the incident, advising the parents/ guardians if the person who has experienced the harassment is a minor, and assisting with an informal resolution of the complaint, where this is appropriate.

3.1.5 If the official considers that he or she is unable to act in this capacity, the complaint shall be referred to another SMHA official.

3.1.6 If informal resolution of the complaint is not appropriate or possible, the person who has experienced or witnessed the harassment, may make a formal written complaint to the SMHA or contact the SMHA personally.

3.1.7 The SMHA, and any members thereof, are not required to deal with all complaints. The SMHA may decide not to deal with the complaint if it is of the opinion that it:

1. could be more appropriately dealt with under another policy, rule or regulation;
2. is frivolous, vexatious or made in bad faith;
3. is not within the governing body's jurisdiction; or,
4. is based on occurrences that are more than six months old.

3.1.8 Complaints of harassment, abuse or bullying will not qualify a player for automatic release. This is to ensure the safety of all players on the team, not just the one initiating the complaint. If a complaint is substantiated, the primary option is to address the behaviour of the

offending party, which may include disciplinary action up to and including suspension or removal.

4.0 INVESTIGATION

4.1 An official who receives a formal written complaint shall advise the President of the SMHA who shall appoint an individual to conduct an investigation of the complaint.

4.2 The investigator shall carry out the investigation in a timely manner and at the conclusion of the investigation shall submit a written report to the President.

4.3 Within seven days of receiving the written report of the investigator, the Commissioner shall decide if the complaint should be dealt with directly, without a hearing, in which case he shall direct the appropriate response and the matter shall then be concluded, provided the subject of the complaint is fully informed and given the opportunity to respond to the complaint.

4.4 The following decisions resulting from any investigation may be made:

1. the complaint is with merit;
2. the complaint is without merit;
3. there is insufficient information to enable a conclusive decision to be made;
4. the complaint is outside of the jurisdiction of the investigating body.

4.5 Incidents Requiring Immediate Response

4.6 This policy shall not prevent a person in authority from taking immediate, informal, corrective and appropriate disciplinary action in response to behaviour that, in his or her view constitutes a minor instance of harassment.

4.7 Harassment complaints arising during competitions may be dealt with immediately, if necessary by an SMHA representative in a position of authority, provided the individual being disciplined is told of the nature of the infraction and has an opportunity to provide information concerning the incident. In such situations, sanctions shall be for the duration of the competition only. Further sanctions may be applied, but only after review of the matter in accordance with this policy.

4.8 In the event that an alleged offence is so serious it possibly jeopardizes the safety of others, the official may immediately remove the alleged offender from SMHA activities, pending an investigation of the complaint in accordance with this policy.

5.0 HEARING

5.1 If the President decides that the complaint shall be dealt with by means of a hearing, he shall appoint three individuals to serve as a panel, and shall appoint one of these persons to serve as the Chairperson of the Panel.

5.2 The Panel shall govern the hearing by such procedures as it may decide, provided that:

1. The Complainant and the Respondent shall be given written notice of the day, time and place of the hearing.
2. All parties shall receive a copy of the investigator's report or summary report
3. Both Complainant and Respondent shall be present at the hearing.
4. The Panel may request that witnesses to the incident be present or submit their recorded response transcribed as written evidence or written evidence.

If at any point in the proceedings, the Complainant becomes reluctant to continue, it shall be the sole discretion of the Panel whether or not to continue the review in accordance with this policy. After reviewing and deciding the harassment, bullying, or misconduct matter, the Panel

shall present its findings in a written report to the President, with a copy to both the Complainant and Respondent.

This report shall contain:

1. A summary of relevant facts.
2. A determination as to whether the acts complained of, constitutes harassment, bullying, or misconduct as defined in this policy.
3. Disciplinary action to be taken, if the act constitutes harassment, bullying, or misconduct.

5.3.1 Any athlete, coach, assistant coach, trainer, manager, official, director, officer, volunteer or employee within the SMHA or member thereof found in violation of the Hockey Canada Policy on Harassment, Abuse and Bullying or the Hockey Canada Speak Out Policy or the SMHA Code of Conduct may be disciplined up to and including dismissal and/or revocation of membership in accordance with the SMHA, NOHA, OHF and Hockey Canada Constitution, By-Laws and Regulations.

5.3.2 Any athlete, coach, assistant coach, trainer, manager, official, director, officer, volunteer or employee within the SMHA who knowingly brings a false complaint against an SMHA participant may be disciplined up to and including dismissal and/or revocation of membership in accordance with the SMHA, NOHA and the OHF Constitution, By-laws and Regulations.

5.3.3 Any athlete, coach, assistant coach, trainer, manager, official, director, officer, volunteer or employee who is the subject of a complaint of harassment, abuse or bullying may be suspended from his or her position, or made subject to other precautions taken for the duration of the investigation. The SMHA President or other designate on a case-by-case basis in accordance with the SMHA constitution, By-laws and Regulations will review this action.

5.3.4 Any coach, assistant coach, trainer, manager, official, director, officer, volunteer or employee who is discovered by means other than a criminal record check to have a conviction that may impact upon their position, may be disciplined up to and including dismissal and/or revocation of membership in accordance with the SMHA Constitution, By-Laws and Regulations.

6.0 APPEAL PROCEDURE

6.1 Both the Complainant and Respondent shall have the right to appeal the decision and sanctions of the Panel in accordance with the SMHA Appeal Policy and Procedure.

6.2 In the event of any disciplinary action as a result of any violation in the SMHA Code of Conduct, an appeal can be filed with the SMHA Office and the Appeal will be heard by the Board of Directors, as per the SMHA Appeal Policy and Procedure. The decision of the SMHA Board of Directors is final and binding on all parties.