MALTREATMENT, BULLYING AND HARASSMENT PROTECTION AND PREVENTION POLICY

SECTION A - POLICY STATEMENT

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

SECTION B - PURPOSES & SCOPE

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

1. To provide a safe environment for Participants in Hockey Nova Scotia's programming;
2. To promote a commitment to eliminating Maltreatment, Bullying and Harassment for all Participants through education, awareness and prevention.
3. To establish principles and guidelines, as well as appropriate responses to instances of Maltreatment, Bullying and Harassment.

The Policy applies to all behaviours prohibited by this Policy, provided the violation of the Policy occurs in any one or a combination of the following situations:

1. During any hockey activities which are sanctioned by Hockey Nova Scotia;
2. When the Participant who is alleged to have violated this Policy was engaging in hockey activities;
3. When the Participants involved interacted due to their mutual involvement in hockey; or
4. Outside the hockey environment, where the violation of the Policy has a serious and detrimental impact on another Participant.

SECTION C - DEFINITIONS

Bullying is defined by the combined use of negative aggression and power. It occurs when one or more individuals 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.

Consent is the voluntary agreement to engage in sexual activity. Consent cannot be present when one of the individuals engaged in the sexual activity is below the age of sexual consent, nor can consent be present if a person seemingly agrees to sexual activity in response to a person abusing a Power Imbalance.

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 a Participant to sexualize a relationship with a Minor Participant that involves the gradual blurring of boundaries and normalization of inappropriate and sexually abusive behaviour.

Maltreatment means volitional acts or omissions that result in harm or the potential for physical or psychological harm. Maltreatment can take many forms (as further particularized in Section D below), but generally includes any act, lack of an action or deliberate behaviour, by a person(s) 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).

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. The following is a summary of the age when each provincial/territorial jurisdiction in Canada considers an individual a Minor:

Alberta	Child, Youth and Family Enhancement Act	Any person under 18 years of age
British Columbia	Child, Family and Community Service Act	Any person under 19 years of age
Manitoba	The Child and Family Services Act	Any person under 18 years of age
New Brunswick	Family Services Act	Any person under 19 years of age
Newfoundland and Labrador	Children and Youth Care and Protection Act	Any person under 16 years of age

Northwest Territories	Child and Family Services Act	Any person under 16 years of age
Nova Scotia	Children and Family Services Act	Any person under 19 years of age
Ontario	The Child, Youth and Family Services Act	Any person under 18 years of age
Prince Edward Island	Child Protection Act	Any person under 18 years of age
Quebec	Youth Protection Act	Any person under 18 years of age
Saskatchewan	The Child and Family Services Act	Any person under 16 years of age. Ages 16 and 17 in exceptional circumstances
Yukon	Children's Law Act	Any person under 19 years of age
Nunavut	Child and Family Services Act	Any person under 16 years of Age

Participant means any player, coach, manager, volunteer, doctor, trainer, administrator, director or any other individual who is registered or affiliated with a club, team, association, league, sports school, sports school with residence, or any similar entity registered with Hockey Nova Scotia which participates in games or activities of any kind sponsored or organized by Hockey Nova Scotia or any of its member partners.

Power Imbalance means a relationship where, based on the totality of the circumstances, a Participant has a duty of care with respect to another Participant or has supervisory, evaluative, or other authority over that Participant. Maltreatment occurs when a Power Imbalance is abused. Once a coach-player relationship is established between Participants, a Power Imbalance is presumed to exist throughout the coach-player relationship, regardless of age. If the coach-player relationship has ended, a Power Imbalance is presumed to continue for players who were Minor Participants at the outset of the coach-

player relationship until that player reaches 25 years of age. A Power Imbalance may exist, but is not presumed, where an intimate relationship existed before the sport relationship commenced.

Respondent is an individual who is alleged to have engaged in a violation of this Policy.

SECTION D - 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 or omission 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 a coach, manager, or other team personnel not to select a Participant for a particular team, or any decision to limit a Participant's role within that team, so long as the decision was made in good faith, and does not include behaviour of the type described in subsections i, ii, or iii above.

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.

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 a player to return to play prematurely following any injury or after a concussion and without the clearance of a medical professional; and encouraging a player to perform a skill for which they are known to not be developmentally ready.

iii) ***Neglect*** Includes, without limitation: not providing a player 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 a player during travel, training or competition; not considering the welfare of a player when prescribing dieting or other weight control methods; disregarding the use of performance-enhancing drugs by a player; 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, non-consensual instances of the following, including any instance involving a Participant above the age of majority and a Minor Participant or where a Power Imbalance exists in the relationship between the Participants:

- 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:
    - Kissing;

- Intentional touching of the breasts, buttocks, groin or genitals, whether clothed or unclothed, or intentionally touching of another with any of these body parts;
- Any contact, no matter how slight, between the mouth of one person and the genitalia of another person;
- Making another touch themselves or someone else with or on breasts, buttocks, groin or genitals; and
- 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 Participant 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.

SECTION E - FORMS OF BULLYING

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 a Participant.

iii) ***Social Bullying*** includes rolling your eyes or turning away from a Participant, excluding a 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 phones, 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 Participant's 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.

SECTION F - 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 where a Power Imbalance is present, as between a coach and a player.

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

Note that, where an allegation of harassment is made based on on-ice discriminatory conduct as covered in Hockey Canada Playing Rule 11.4, the allegation shall follow the investigation process required under that playing rule rather than the process provided for in the Policy.

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 Participant, may also constitute abuse under child protection legislation. This may also be true of other behaviours, for example, certain hazing practices and some forms of Bullying identified in Section E. 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.

SECTION G - 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 where appropriate.

SECTION H - INVESTIGATIONS

Hockey Nova Scotia is committed to investigating all reports of Maltreatment, Bullying or Harassment involving Participants. The investigation will adhere to all principles of natural justice, providing procedural and substantive due process for all parties to the investigation. Note that Hockey Nova Scotia may be unable to investigate the conduct of a Participant in instances where law enforcement are conducting a parallel investigation.

At the outset of each investigation, will consider whether interim suspensions or other restrictions on participation should be put in place pending the completion of the investigation. Such measures may be appropriate depending on the nature of the allegations and the information contained in the complaint.

Interference with or manipulation of the process is strictly forbidden. It is a violation of this process if any party to the investigation does any of the following:

i. Falsifies, distorts, or misrepresents information, the resolution process, or an outcome;
ii. Destroys or conceals information;
iii. Attempts to discourage an individual's proper participation in the investigation or from reporting an incident;
iv. Harasses or intimidates (verbally or physically) any person involved in the investigation before, during, and/or following any investigation;
v. Publicly discloses a party's identifying information, without that party's agreement;
vi. Fails to comply with any temporary or provisional measure or other final sanction;
vii. Distributes or otherwise publicizes materials a party gains access to during an investigation or hearing, except as required by law or as expressly permitted; or
viii. Influences or attempts to influence another person to interfere with or manipulate the process.

If a party to an investigation is found to have engaged in any of the above noted activities, they will become subject to the sanctions listed in this Policy.

Reprisal taken against any Complainant will not be tolerated. A Participant engaged in reprisal or retaliation will be subject to the sanctions listed in this Policy.

Responses, Sanctions and Remedies

It is the position of Hockey Nova Scotia that Maltreatment, Bullying and Harassment cannot and should not be tolerated in any environment, including hockey. Maltreatment, Harassment and Bullying are unacceptable and harmful. Hockey Nova Scotia recognizes the negative impact of all types of Maltreatment, Bullying and Harassment on personal dignity, individual and group development and performance, enjoyment of the game and in some cases, personal safety.

At the same time, Hockey Nova Scotia recognizes that not all incidents of Maltreatment, Bullying and Harassment are equally serious in nature and in their consequences. Maltreatment, Bullying and Harassment cover a wide spectrum of behaviours, and the response to those forms of behaviour must be equally broad in range, appropriate to the behaviour in question, and capable of providing a constructive remedy. The process of investigation and resolution of any complaint of Maltreatment, Bullying or Harassment must be fair to all parties, allowing adequate opportunity for the presentation of a response to all allegations by the Respondent.

Any sanction imposed against a Participant must be proportionate and reasonable, relative to the Maltreatment, Bullying or Harassment that has occurred, considering previous disciplinary actions. However, progressive discipline is not required as a single occurrence of a prohibited activity can lead to a very significant sanction.

If Maltreatment, Bullying or Harassment are proven, one or more of the following sanctions may be imposed:

i. Verbal or Written Warning – A verbal reprimand or an official, written notice that a Participant has violated the Policy and that more severe sanctions will result should the Participant be involved in other violations.
ii. Education – The requirement that a Participant undertake specified educational or similar remedial measures to address the violation.
iii. Probation – A period can be set wherein, if the Participant 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.
iv. Suspension – Suspension, either for a set time or until further notice, from participation, in any capacity, in any [MEMBER]-sanctioned activity. A suspended Participant is eligible to return to hockey, but reinstatement may be subject to certain restrictions or contingent upon the Participant satisfying specific conditions noted at the time of suspension.
v. Eligibility Restrictions – Restrictions or prohibitions from some types of participation but allowing participation in other capacities under strict conditions.
vi. Permanent Ineligibility – Permanent ineligibility to participate in any Hockey Nova Scotia - sanctioned activity.
vii. Other discretionary sanctions – Other sanctions for Maltreatment, Bullying or Harassment may be imposed, including, but not limited to, other loss of privileges, no contact directives,

a fine or a monetary payment to compensate for direct losses, or other restrictions or conditions as deemed necessary or appropriate.

Factors relevant to determining appropriate sanctions include, without limitation:

i. The severity of the Maltreatment, Bullying, or Harassment and whether it constitutes criminal behaviour;
ii. The nature and the duration of the offender's relationship with the victim, including whether there is a Power Imbalance between the two parties;
iii. The offender's prior history and any pattern of inappropriate behaviour or Maltreatment;
iv. The ages of the individuals involved;
v. Whether the offender poses an ongoing and/or potential threat to the safety of other Participants;
vi. The offender's voluntary admission of the offense(s), acceptance of responsibility, and/or cooperation with the investigation
vii. Real or perceived impact of the incident on the victim, [MEMBER], or the hockey community;
viii. Circumstances specific to the offender being sanctioned;
ix. Whether, given the facts and circumstances that have been established, continued participation in the hockey community is appropriate;
x. An offender who is in a position of trust, intimate contact or high-impact decision making may face more serious sanctions; and
xi. Other mitigating or aggravating circumstances.

Any single factor, if severe enough, may be sufficient to justify the sanction(s) imposed. A combination of several factors may justify elevated or combined sanctions.

Presumptive sanctions are in place for certain violations of this Policy. The following sanctions are presumed to be fair and appropriate for the listed violations, but the offender affected may rebut these presumptions or [MEMBER] may provide more severe sanctions where appropriate:

i. Sexual Maltreatment involving a Minor Participant shall carry a presumptive sanction of permanent ineligibility;
ii. Sexual Maltreatment, Physical Maltreatment with contact and any attempts to mislead an investigator or falsify evidence shall carry a presumptive sanction of either a period of suspension or eligibility restrictions; and
iii. While an offender has pending charges or dispositions in violation of the criminal law, the presumptive sanction shall be a period of suspension.

A false accusation of Maltreatment, Bullying or Harassment can be devastating to the Participant who is being accused, both personally and professionally. Any Complainant making a complaint which is found to be clearly unfounded, false, malicious or frivolous, therefore, will be in breach of this Policy, and may be subject to consequences within Hockey Nova Scotia and may also be referred to third party authorities.

All decisions under this Policy will be final, with no further right of appeal or reconsideration within Hockey Nova Scotia's structure.

SECTION I - 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 Nova Scotia is committed to help reduce and prevent the abuse and Maltreatment of Participants. Hockey Nova Scotia 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 Canada's Minors, by knowing the requirements of the applicable provincial/territorial child protection legislation and following through as required.

A cross-Canada list of Child Protection Acts can be found through the Canadian Child Welfare Research Portal's web site at https://cwrp.ca/legislation.

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.

Every province and territory in Canada has mandatory reporting laws regarding the abuse, exploitation, and neglect of children. Consequently, any Participant engaged in a Hockey Nova Scotia -sanctioned activity, who has reasonable grounds to suspect that a Minor 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 Nova Scotia -sanctioned 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/territorial 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.