

COMPLAINTS INTERVENTION POLICY

1.0 Purpose

The purpose of this policy is to establish a standard approach to conflict resolution enabling parties to resolve difficulties or misunderstandings in a timely and transparent manner. This policy presents a line of authority which must be respected ensuring that the process will be logical, coordinated, and effective.

1.1 Communication

All quality organizations have one thing in common, effective communications. During the course of a hockey season, situations may arise among players, coaches, officials, administrators and parents that lead to misunderstandings, misinterpretations or conflicts. When this occurs, it is important that all parties involved approach the problem in an appropriate time, place and manner.

1.2 Type of Problems

It is important to understand that problems must be first identified or classified so that the appropriate authority can deal them with as soon as possible. Some issues have deadlines by which they must be declared or submitted, while others do not.

1.2.1 Conflicts

Conflict is defined as “a serious disagreement or argument, typically a protracted one.” For Hockey NL, a **Conflict** can be further described as any issue or dispute excluding those not covered by the articles, by-laws, regulations and/or policies of Hockey NL or Hockey Canada, including nepotism, prejudice, discrimination, complaints, or conflict of interest.

1.2.2 Protests

A **Protest** may only be made in regards to interpretations of Rules, By-laws, Regulations, Rules of Competition matters, and not in regard to the decision of any Hockey NL Official (Referee or Linesman). A verbal protest must be made by the Captain of the aggrieved team to the Referee at the first reasonable opportunity after the action or decision complained of, and in all cases must be made within five (5) minutes of the close of the period in which such action or decision was made and same must be noted immediately on the official game report. In some instances, a written protest must accompany the verbal protest after the game. In summary, a “Protest” can only be declared as a result of an action or decision during a game.

1.2.3 Appeals

An **Appeal** can be filed on any matter and may be processed by Hockey NL, where:

- a) Any appeals of the articles, by-laws and or regulations of Hockey NL or Hockey Canada must first have been dealt with at the appropriate level (League, Council Executive Committee, etc.) by way of a hearing.
- b) Such decision or dispute is in conflict with the by-laws and or rules and regulations of Hockey NL or Hockey Canada.
- c) Procedural error was committed, or the aggrieved party failed to be provided with a fair hearing.
- d) Original decision was not within party's authority or jurisdiction.

In summary an Appeal must be in written format (fax, email, letter), be brought within twenty-eight (28) days of issuance of the written decision and deal with only A, B, C, or D above.

A "Written complaint or decision" should be in the format and contain the information as contained in forms (See Appendix).

1.2.4 Maltreatment Complaints

The following are definitions that will be used to determine the grounds on which the complaint is made and the process to address it.

- (a) Misconduct
Misconduct refers to the behaviour or a pattern of behaviour that is found, by a formal (for example an independent investigation) or informal process (for example an internal fact finding), to be contrary to the Hockey Newfoundland and Labrador Code of Conduct and that is not bullying, harassment or abuse.
- (b) 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 attach by taunting them).

(c) Harassment

Harassment is offensive behaviour - emotional, physical, and/or sexual - that involves discrimination against a person because of his/her race, nationality or ethnic origin, age, color, religion, family status, sexual orientation, sex or gender, disability, marital status, or pardoned conviction. Harassment occurs when someone attempts to negatively control, influence or embarrass another person based on a prohibited ground of discrimination.

(d) 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 all forms of abuse against children and youth is an abuse of power or authority and/or breach of trust.

Abuse is an issue of child protection. Protection refers to provincial, territorial, or Aboriginal ban-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 is available at www.hockeycanada.ca.

(e) Emotional Abuse

Emotional abuse is a chronic attack on a member'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 member's needs.

(f) Physical Abuse

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

(g) Neglect

A general definition of neglect is the chronic inattention to the basic necessities of life such as clothing, shelter, nutritious diet, 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 injuries.

(h) 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 of sexual abuse: contact and non-contact.

2.0 Purpose

This policy is designed to better inform the complaints process and to reduce the stress associated with a conflict, protest, appeal, or complaint.

2.1 Escalation of a Disclosure

At any point, any individual may escalate a disclosure to Hockey Canada, the Hockey NL Office or the Risk Manager. Hockey Canada intends to have an independent third party group to review all submissions. This third party will determine the direction of the complaint through the Hockey Canada process or redirect to Hockey NL for management. Those complaints received by Hockey NL shall first be redirected through this third part independent process as per National policy. Should a complaint be returned to disposition through Hockey NL, it will then be reviewed by the Risk Manager who shall then direct the complaint through the Complaints and Dispute Resolution process via one of:

- a) Dispute Resolution Committee at the MHA/Council Level – see 2.3; or
- b) Complaint Process and Complaint Management Committee investigation – see 2.4;
or
- c) Substantial Complaint requiring the involvement of the Authorities.

2.2 Resolving Conflicts

Games and practices are never an appropriate place to resolve conflicts.

If involving a minor, it is important to discuss the conflict issues with them prior to initiating this process. Often, the player has information that may resolve the issue. We recommend that all parties involved adhere to the following set of guidelines to resolve conflicts:

- 2.2.1 Cool heads prevail – allow a minimum of 24 hours to pass prior to any attempt to address an issue. Use this cooling-off period to validate the facts and collect your thoughts. **(The 24-Hour Rule)**
- 2.2.2 The player is the first step in the conflict resolution process. They, or their guardian, should contact the team manager/coach involved in the issue to discuss the conflict or issue.

- 2.2.3 If the player/coach meeting fails to resolve the issue, the next step should be to contact the coach/team manager who is involved in the issue to arrange a face-to-face meeting to discuss the problem. The goal of this meeting is to solve the problem, not win an argument.
- 2.2.4 After meeting with the coach/team manager in question, if there is still no resolution, contact the MHA/League President. It is anticipated that the MHA/League President will be able to resolve most issues under their purview. If, however, the conflict is still not resolved then the issue could be elevated to the Area Member. Once elevated to this level, it must be in a written format (Form 1). However, if the situation deals with Rules, By-laws, Regulations, Rules of Competition or Constitutional matters of the Association or League, Hockey NL Division Chair and the Hockey NL Office must be consulted.
- 2.2.5 If the issue remains at the Association/League level, the complaint should be dealt with by means of a Dispute Resolution Committee. The dispute resolution committee should be comprised of three (3) members, including one of either the President or Vice President, one other MHA/League Executive Committee member, and a Neutral third party/Parent who has knowledge of the rules and administration of the level of hockey involved but no connection to either party involved. Once the complaint/concern has been received, the committee will conduct and complete their investigation within 28 days and render a written decision within 24 hours of completion of the investigation.
- 2.2.6 The Dispute Resolution Committee shall conduct all investigations in a professional manner. All involved parties shall be given an opportunity to present their stance. All parties shall respect each other, their rights, and point of view. The goal shall be to come to a reasonable resolution of the issue at hand.
- 2.2.7 The Dispute Resolution Committee has the authority to seek additional information or resources from other sources, including Hockey NL.
- 2.2.8 The Dispute Resolution Committee shall be charged with submitting, in writing, its decision not later than 24 hours following the complaint determination to both parties involved, and to the Risk Manager of a Council Executive Committee or the Risk Management Committee, or their designate.
- 2.2.9 Most importantly, as the situation has been deemed a “conflict”, the Association/League has the authority to make the decision. The process is now complete, and the aggrieved party must accept the decision handed down or avail

of their rights as outlined within the By-laws of both Hockey NL and Hockey Canada via this policy and the appeal process.

2.3 Complaint Management Committee

This Committee, as outlined in the By-laws of Hockey NL, shall consist of the following members:

- a) Risk Manager, who shall act as Chair of Complaint Management Committee
- b) The President of Hockey NL should the complaint fall under Maltreatment;
- c) The Council Liaison Director representing the origin of the complain;
- d) A third Committee Member shall be selected by the Risk Manager for complaints where the President is not involved or another member is in Conflict of Interest.

2.3.1 The Chair of Complaint Management Committee shall have the duties and responsibilities as outlined in the Policy and Bylaws of Hockey NL, as well as those outlined in all Complaint Management Committee documents and its related policies.

2.3.2 The Council Liaison Director of an Executive Committee shall be engaged where the issue involves policies, by-laws and/or regulations of Hockey NL or Hockey Canada.

2.3.3 The President of Hockey NL shall be involved in the disposition of all Complaints that fall under Maltreatment.

2.4 The complaint must be in writing, otherwise it will not be addressed unless:

- a) the Council Liaison Director believes a contravention has taken place then they will issue a direction to the MHA or person involved;
- b) the complaint is of a nature where the welfare and safety of a minor may be in question. In such instances, Hockey NL and/or the Risk Manager shall notify the appropriate Authorities;

2.5 All Complaints shall be handled by the Complaint Management Committee. All information gathered in the course of an investigation shall be confidential. Confidentiality shall be maintained unless there is risk for imminent harm to a member of Hockey NL.

2.5.1 Should imminent harm be present, the Risk Manager and Chair of the Complaint Management Committee shall engage all available resources to ensure the safety of the member involved including, but not limited to, communication with the appropriate authorities or Health Care Professionals.

- 2.5.2 Should the information gathered by of a sensitive nature or present a potential conflict of interest for the Risk Manager, or involve the President or Vice President, an independent investigator shall be assigned. The independent investigator shall have the right to investigate the complaint and render a report and recommendations to the Board of Hockey NL. The Board shall then be tasked with a determination with respect to course of action.

2.6 Complaint Process

The Risk Manager shall screen all complaints received from Hockey Canada's independent third party review and direct them to the appropriate Member for Dispute Resolution or Mediation, to the Appeals and Dispute Resolution Committee, to the Complaints Management Committee Investigation team, or to the authorities as appropriate.

- 2.6.1 All parties involved with the complaint shall be notified, in writing, that a complaint has been received, which team member shall be heading the review, and that the complaint timeline is twenty-eight (28) days for the process to be completed. Should the timeline be longer than twenty-eight (28) days, the Risk Manager shall notify all parties of the delay and the reason for this delay.
- 2.6.2 Hockey NL has volunteer independent complaint investigators. An investigation team of two (2) or three (3) members shall conduct the investigation of the complaint and file a report with the Complaint Management Committee. All information gathered shall be reviewed by the Complaint Management Committee. Should further information be required as determined by the Complaint Management Committee, it shall be sought out.
- 2.6.3 Once the Complaint Management Committee review is completed, a summary report shall be completed, with the findings delivered to both parties and the relevant Division of Hockey Chair, as deemed appropriate by the Risk Manager.
- 2.6.4 The summary report shall be in written/typed format and returned to all parties involved with a clear explanation of timelines, reasons for any delay beyond 28 days, and the decision of the team.
- 2.6.5 The decision of the Complaint Management Committee shall be submitted to the Executive Director and copied to the Board of Hockey NL.
- 2.6.6 The decision shall be subject to the Appeals process as outlined in the Hockey NL policy and By-laws, and subsequently Hockey Canada as required, by all parties involved. Appeal(s) must be made within twenty-eight (28) days of communication of the decision/ruling.

- 2.6.7 Should the team have a finding requiring Disciplinary Action, a recommendation shall be delivered to the Board of Directors of Hockey NL for determination of any such discipline.
- 3.0 Process for Protests
- 3.1 It must be clearly stated that the on-ice decisions of a Referee or Linesman (for example a penalty call or whether a goal was scored) cannot be protested or result in a complaint. Written protests must be forwarded to the Zone Coordinators for exhibition games and playoffs. Protests to the Division Chair may only be made in regards to interpretations of Rules, By-laws, Regulations, Rules of Competition matters. A verbal protest must be made by the Captain of the aggrieved team to the Referee at the first reasonable opportunity after the action or decision complained of, and in all cases must be made within five (5) minutes of the close of the period in which such action or decision was made and same must be noted immediately on the official game report.
- 3.2 Decisions on protests to Zone Coordinators and the Division Chair during Regional, Inter-Regional and/or Provincial Tournaments, shall be final and binding.
- 3.3 Written protests must be forwarded to the responsible authority as follows:
- i. League President for league and playoff games within sanctioned leagues.
 - ii. Tournament Chairperson for invitational tournament games.
 - iii. Zone Coordinator for exhibition games and Regional playoffs.
 - iv. Division Chair or their designate for Inter-Regional playoffs.
 - v. Division Chair or their designate for Provincial Championship Tournaments.
- 3.4 Protests to League Presidents must follow procedure laid down in League By-Laws as well as the Hockey NL policy.
- 3.5 Protests to Tournament Chairpersons shall follow the procedure laid down in the tournament rules as per the Hockey NL policy or Regulations.
- 3.6 Protests to the Zone Coordinators shall follow the procedures laid down in the Hockey NL policy or Regulations.
- 3.7 Decisions on protests to Zone Coordinators and the Division Chair during Regional, Inter-Regional and or Provincial Tournaments, shall be final and binding.
- 4.0 Complaints Against On-Ice Officials

- 4.1 It is expected that all officials will conduct themselves in a professional manner when officiating any level of hockey under the direction of Hockey NL. Officials, like all stakeholders, shall be held accountable for their actions after a full investigative process has been conducted.
- 4.2 If concerns arise that an On Ice Official has not followed Hockey NL standards of conduct, the following protocol must be followed to ensure concerns are addressed appropriately. Complaints will address two areas, Profane Language/Verbal Abuse or Physical Abuse of Players.
- 4.3 Complaint Steps

4.3.1 Step 1

Contact your Hockey NL Zone Coordinator (names and emails located on the Hockey NL website), the Complaints Management Committee, Referee in Chief or the Hockey NL Office and submit your concern on the form attached to this policy. The Hockey NL Zone Coordinator will contact the official(s) involved and will investigate the matter fully. It is the responsibility of the Hockey NL Zone Coordinator to:

- (i) email the MHA President to explain the complaint and to address whether there were grounds for further repercussions;
- (ii) contact the complainant and try to resolve the issue based on their findings;
- (iii) email the Hockey NL Referee in Chief with the results of the investigation;
- (iv) Liaise with the Complaints Management Committee to ensure that all procedures and policies are followed.

4.3.2 Step 2

If the Hockey NL Zone Coordinator cannot resolve the issue, the Hockey NL Complaint Management Committee and Referee in Chief will investigate the matter thoroughly and try to resolve the conflict.

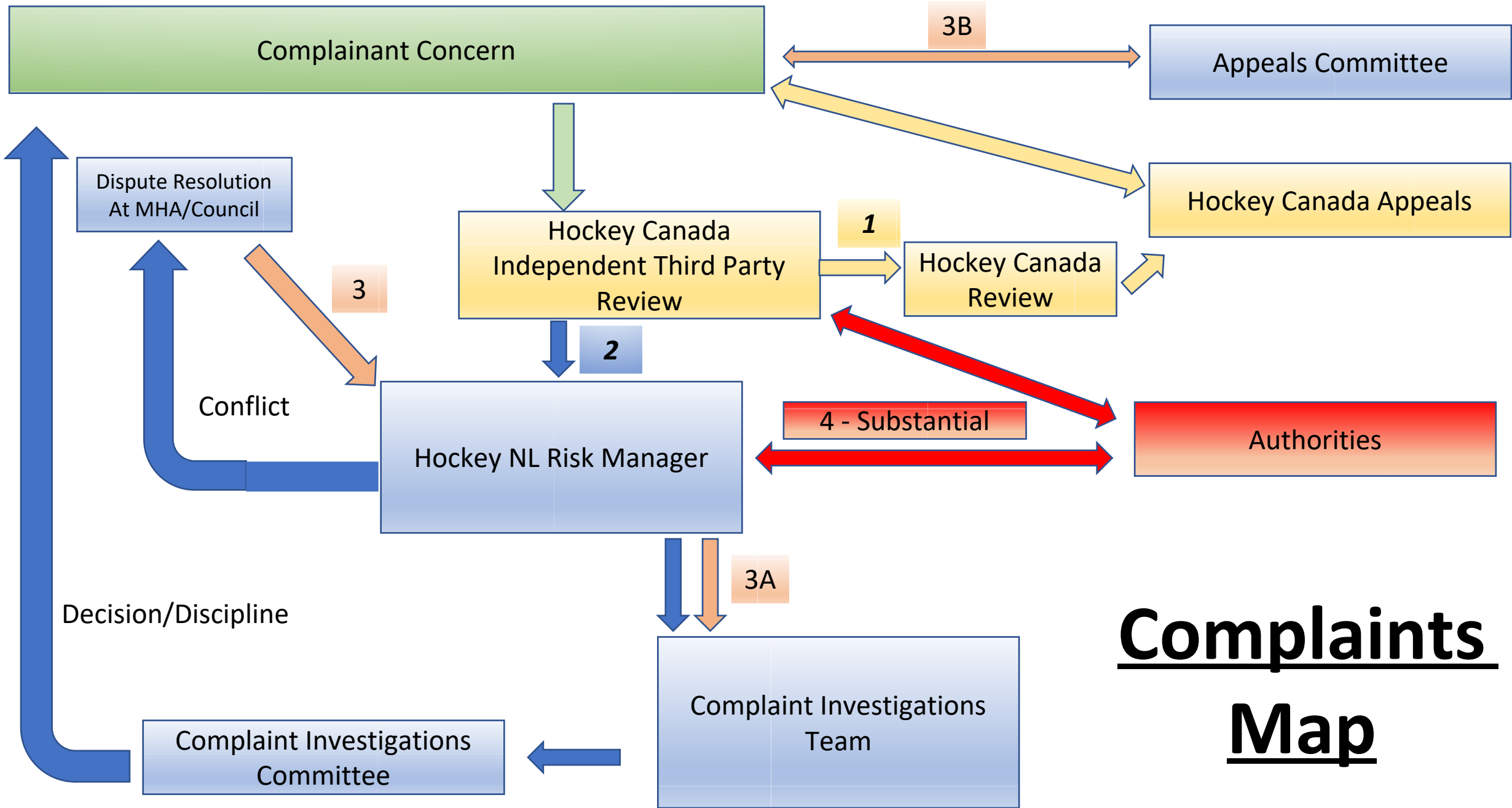
4.3.3 Step 3

If the Hockey NL Risk Manager and Referee in Chief cannot resolve the conflict, they shall conduct any further investigation they deem necessary and make a decision that is final.

Any Suspensions to On Ice Officials are kept confidential due to privacy laws.

Appendix

- 1) Complaints intake form
- 2) Complaints response form
- 3) Complaints map



Complaints Map