



## Scope

This policy determines the principles for Oshawa Minor Hockey Association (Oshawa MHA) Dispute Resolution Process.

## Contents

### **Principles of the Oshawa MHA Dispute Resolution Process**

The Oshawa MHA Dispute Resolution Process guides the handling of all complaints related to bullying, harassment, abuse and code of conduct issues, as defined in the Index of Terms that is attached to this policy.

Oshawa MHA is committed to creating a healthy, fair and efficient environment for resolving conflict and will endeavour to solve any dispute that arises in a fair and equitable manner. To that end, Oshawa MHA has adopted the Ontario Minor Hockey Association (OMHA) Dispute Resolution Process.

Please note that the Oshawa MHA Dispute Resolution Committee will only address complaints that are related to bullying, harassment, abuse and code of conduct issues and will not address complaints relating to team operations (i.e. ice time, player position etc.). Further, only disputes that follow the Dispute Resolution Process and are received on the appropriate Dispute Resolution Form will be addressed. Complaints that are not received by the Dispute Resolution Committee within 10 days of an unsatisfactory result at Level 1 in the Dispute Resolution Process will not be addressed.

Under the Dispute Resolution Process, all complaints are required to be handled in a timely and efficient manner. In more complex cases where additional time is required, the parties will be notified of the status of the matter, including reasons for any delay.

The Dispute Resolution Committee shall be comprised of three members (the Immediate Past President and two OMHA Directors).

### **Level 1 – Team Dispute Resolution Process**



A common and effective practice is to allow 24 hours after an issue or concern occurs before discussing the concern or issue.

### **Step 1**

If the Complainant still has an issue or concern that needs to be addressed beyond the 24 hour period, the complainant must put their complaint in writing and email it to: a) your Team Designate (typically this is the Team Manager) if the complaint involves a team member (player or parent) or staff; or b) to the Convenor if the complaint involves a member of the executive or board of directors for Oshawa MHA.

Within 7 days of receiving the written complaint, the Team Designate or Convenor (as the case may be) will arrange an informal meeting between the Complainant and the Respondent in an attempt to reach a resolution.

### **Step 2**

If the Complainant is not satisfied with the outcome of the informal meeting, the Complainant may then escalate the matter to the Level 2 process. Level 2 must be initiated within 10 days of unsatisfactory result from Level 1.

## **Level 2 – Oshawa MHA Dispute Resolution Process**

In the event of an unsatisfactory result at Level 1, the matter may be escalated to Level 2. At Level 2, dialogue between the Complainant and the Respondent is facilitated by the Dispute Resolution Committee for Oshawa MHA. If an agreement is not reached, the Dispute Resolution Committee will render a decision in the matter with recommendations if necessary.

### **Step 1**

The Complainant completes the formal “Dispute Resolution Form”. A link to this form is here - [click here for link to form](#). Fill in Section 1,2,3 of the PDF form, print, sign, scan, and email to the President of Oshawa MHA for review (President@oshawahockey.com).

### **Step 2**

The Oshawa MHA President sends the Dispute Resolution Form to the Oshawa MHA Dispute Resolution Committee. The Committee independently assesses the complaint and determines whether there is validity to the concerns raised and to assess the team’s role in handling the situation

### **Step 3**

If the Dispute Resolution Committee determines that a complaint has no merit or that an informal meeting is unnecessary, the complaint will be referred back to the Board of



Directors indicating that no further action will be taken. The Dispute Resolution Committee will prepare a written report containing its findings and will send the report to the Complainant/Respondent and to the Oshawa MHA President. A record of the complaint will be kept on file by the Oshawa MHA.

#### **Step 4**

If the complaint has merit, an informal meeting before the Dispute Resolution Committee will be scheduled within 7 days from the receipt of the Dispute Resolution Form.

#### **Step 5**

Should the parties reach a resolution, Section C of the Dispute Resolution form will be completed and submitted to the Board of Directors of Oshawa MHA with copies provided to the Complainant and the Respondent. No further action is required.

#### **Step 6**

Should a resolution not be reached, the Complainant and the Respondent will be excused from the meeting and the Dispute Resolution Committee will make a decision and complete the "Decision Section" on the Dispute Resolution form and return it to the Oshawa MHA President. The Complainant and the Respondent will receive a copy of the decision within 3 days of the Committee meeting.

#### **Step 7**

If the Complainant is not satisfied with the decision of the Oshawa MHA, he/she can file an appeal to the Ontario Minor Hockey Association (OMHA).

Please note that once you file an appeal to the OMHA, the matter will no longer be addressed by Oshawa MHA.

Any player, coach, parent or official, volunteer or executive member who brings legal action against Oshawa MHA before observing their right of appeal offered under this Dispute Resolution Process shall be deemed to have relinquished all playing or participation rights until such action has been resolved.

### **Level 3 – OMHA Dispute Resolution Process**

Complaints received at Level 3 must have first been processed through Levels 1 and 2 respectively. No complaint may by-pass Level 1 and 2 unless there are extenuating and/or circumstances that endanger the well-being of the individual.

#### **Step 1**



The OMHA must receive an appeal application by mail or personal delivery no later than 7 days (including weekends and holidays) from the date the decision being appealed was sent to the person appealing. The Application fee is \$100 and must be received with the Appeal Application.

### **Step 2**

The OMHA President refers the Appeal Application to the Risk Management Officer to facilitate the process. If the Risk Management Officer determines that the matter did not go through the proper local association dispute resolution process, it will be referred back the Complainant advising him/her to go through the proper process.

### **Step 3**

Should the Risk Management Officer determine that a hearing is necessary, it will be scheduled no later than 10 days after receipt of the complaint. The Complainant and the Respondent will be notified of the hearing in writing and all parties will be given a copy of the material submitted to the OMHA.

Prior to the hearing, every attempt will be made to facilitate a resolution before a formal decision is made.

### **Step 4**

Should a hearing not be necessary, a response will be sent to the Complainant and the Respondent.

### **Step 5**

Once the appeal is resolved, the OMHA will mail the decision to all parties. If the appeal concerns a harassment and abuse issue, the Ontario Hockey Federation (OHF) will be notified as required.

### **Step 6**

Should the parties not be satisfied with the decision of the OMHA, he/she may appeal the decision to the Ontario Hockey Federation.

## **Appendix A: DEFINITIONS**

**Code of Conduct:** Parents, coaches, players, volunteers, executives and Oshawa MHA members must conduct themselves in a manner that will allow the values and goals of the Oshawa MHA to be achieved.

**Complaint:** Description of the problem



**Complainant:** The person making the complaint

**Dispute Resolution Form:** - [click here for link to form](#)

**Respondent:** The person with whom the complaint is about and who responds to the complaint

**Team Designate:** The person whom the team identifies as the person available to assist with the handling of complaints within the team (i.e. Team Manager or parent liason).

The following are definitions that will be used to determine the grounds on which the complaint is made and the process to address it. The Oshawa MHA acknowledges and supports Hockey Canada's definitions of harassment, abuse and bullying.

#### 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 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 is available at [www.hockeycanada.ca](http://www.hockeycanada.ca).

#### Emotional Abuse

Emotional abuse may include a chronic attack on a child or youth'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 or youth's needs.

#### Physical Abuse

Physical abuse is when a person 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, shoving, grabbing, hazing or excessive exercise as a form of punishment.

#### Neglect

A general definition of neglect is the chronic inattention to the basic 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.

#### Sexual Abuse

Sexual abuse may include a child or youth being used by an individual with more power for his or her own sexual stimulation or gratification. There are two categories of sexual abuse: contact and non-contact.

#### **Bullying**

Bullying describes behaviors that are similar to harassment, but occur between child and youth that are not addressed under human rights laws. Bullying is intentionally (or non-intentional) hurting someone in order to insult, humiliate, degrade or exclude him or her.

There are a number of specific categories of Bullying, as set out below:

##### Physical Bullying:

Hitting, shoving, kicking, spitting on, grabbing, beating others up, damaging or stealing another person's property.

##### Verbal Bullying:

Name calling, hurtful teasing, humiliating or threatening someone, degrading behaviors; may happen over the phone, through text messaging or chat rooms, through social media sites, in notes or in person.

##### Relational Bullying:

Trying to cut off victims from social connection by convincing peers to exclude or reject a certain person. This may happen in person, over the phone, through the computer.

##### Reactive Bullying:

Engaging in bullying as well as provoking bullies to attack by taunting them.

##### Cyber Bullying:

Involves the use of information and communication technologies such as email, cell phones and text messaging, camera phones, instant messaging, social networking sites such as Facebook and Twitter, defamatory personal websites, to support deliberate, repeated and hostile behavior by an individual or group that is intended to harm others, threaten, harass, embarrass, social exclude or damage reputations and friendships.



### Complaint

Any written form of an alleged contravention of the Oshawa MHA Code of Conduct.

### Harassment

Harassment is defined as conduct, gestures or comments which are insulting, intimidating, humiliating, hurtful, malicious, degrading or otherwise offensive to an individual or group of individuals which create a hostile or intimidating environment for work or sports activities, or which negatively affect performance or work conditions.

**Any of the different forms of harassment must be based on a prohibited ground of discrimination in human rights legislation, including race, ethnicity, colour, religion, age, sex, marital status, family status, disability, pardoned conviction and sexual orientation.**

### Infraction

Any action or alleged action or complaint that violates the Oshawa MHA Code of conduct.

### Member

Includes but is not limited to all players, guardians, parents, coaches, officials, volunteers, directors, officers, committee members, convenors, team managers, trainers and administrators involved in Oshawa MHA activities and events.

### 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 (i.e. for example an internal fact finding); to be contrary to the Oshawa MHA Code of Conduct and that is not harassment, abuse or bullying.

## Change history

Date	Change
Feb 7, 2019	Original document

## Related Documents and Links

<Provide a link to other Oshawa Minor Hockey related policies. Or enter a link to the OMHA/Hockey Canada related policy>



Oshawa Minor Hockey Association  
**Dispute Resolution Process**

Issued: Feb7, 2019  
Replaces: N/A

OMHA Risk Management website -  
<https://www.omha.net/page/show/885513-risk-management>