

NORTHERN ONTARIO HOCKEY ASSOCIATION

SPEAK OUT POLICIES AND PROCEDURES

PROMOTING POSITIVE BEHAVIOUR IN HOCKEY



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REVISED – June 1, 2011

SPEAK OUT: PROMOTING POSITIVE BEHAVIOUR IN HOCKEY

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Introduction

This document includes Policies and Procedures that enhance the Hockey Canada and Ontario Hockey Federation Speak Out Policies and Procedures. All NOHA Member Associations/Single Entry Teams are obligated to adhere to these Policies and Procedures as stated.

The following policies have been approved by the NOHA Board of Directors. It shall be the obligation of all NOHA Member Associations to adhere to these policies.

Please refer to the following for more information:

- 1- Hockey Canada Policy on Harassment and Abuse – www.hockeycanada.ca
- 2- OHF Harassment and Abuse Policies – www.ohf.on.ca
- 3- NOHA Code of Conduct – www.noha.on.ca
- 4- OHF Code of Conduct – www.ohf.on.ca
- 5- Hockey Canada Fair Play means Safety for All Booklet- www.hockeycanada.ca
- 6- NOHA Full Speak Out Policies and Procedures and Appendices – www.noha.on.ca

1. POLICY STATEMENTS

- 1.1 It is the policy of the NOHA that there be no harassment, abuse or bullying of any participant in any of its programs.
- 1.2 The NOHA expects every athlete, coach, assistant coach, trainer, manager, official, parent, director, officer, volunteer, employee and chaperone within the NOHA and each of the NOHA Member Associations to take reasonable steps to safeguard the participants against harassment, abuse and bullying.

2. EFFECTIVE DATE

- 2.1 June 27, 1998
- 2.2 Revised February 28, 2006
- 2.3 Revised June 1, 2011

3. NOHA MEMBER ASSOCIATION REQUIREMENTS

- 3.1 NOHA Member Associations are responsible for adopting and implementing a policy similar to, and consistent with this policy.
- 3.2 All individuals holding the title of coach, assistant coach, trainer, assistant trainer, manager, on-ice official and anyone else determined by the Risk Assessment Tool shall be subject to Criminal Record Checks, which include the Vulnerable Sector Screening and a search of the National Sex Offender Registry.

4. DEFINITIONS

4.1 Child

Child means a person between the age of 0 and 16 years.

4.2 Youth

Youth means a person between the age of 16 and 18 years.

4.3 Adult

Adult means a person who has reached the age of maturity. In the Province of Ontario this age is 18 years.

4.4 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).

4.4.1 Physical Bullying:

Hitting, shoving, kicking, spitting on, grabbing, beating others up, damaging or stealing another persons property; used most often by boys.

4.4.2 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.

4.4.3 Relational Bullying:

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

4.4.4 Reactive Bullying:

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

4.4.5 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.

4.5 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.

Types of behavior which constitute harassment include, but are not limited to:

- Unwelcome jokes, innuendo or teasing about a person's looks, body, attire, age, race, religion, sex or sexual orientation.
- Condescending, patronizing, threatening or punishing actions, based on a ground of discrimination, which undermine self-esteem or diminish performance.
- Practical jokes based on a ground of discrimination which cause awkwardness or embarrassment, endanger a person's safety or negatively affect performance.
- Unwanted or unnecessary physical contact including touching, patting or pinching (in the case of minors, this is defined as abuse under Child Protection Legislation).
- Unwelcome flirtation, sexual advances, requests or invitations (if minor involved, covered under Child Protection Legislation).
- Behaviors such as those described above which are not directed towards individuals or groups but which have the effect of creating a negative or hostile environment.

4.6 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.

4.6.1 Emotional Abuse

Emotional abuse is 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.

4.6.2 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.

4.6.3 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. Neglect may apply in a hockey setting where there is a chronic inattention in the hockey context, for example when a player is made to play with injuries.

Some examples of neglect occurring in a sport environment are:

- Inadequate Shelter/Unsafe Environments: Lack of maintaining equipment or facility; forcing athletes to participate without proper protective equipment.
- Inadequate Clothing: Preventing athletes from dressing adequately for weather conditions or making them stay in wet clothes as punishment following a game.
- Inadequate Supervision: Leaving young athletes unsupervised in a facility or on a team trip.
- Lack of Medical/Dental Care: Ignoring or minimizing injuries; ignoring medical advice; not seeking medical or dental attention when warranted.
- Inadequate Education: Encouraging athletes to not do homework, to not attend school, or to drop out.
- Inadequate Rest: Overdoing or increasing workouts as punishment; prohibiting adequate sleeping or resting time.
- Inadequate Moral Guidance & Discipline: Not providing adequate supervision during team functions; hiring strippers or prostitutes; offering pornography to young athletes.

4.6.4 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.

4.7 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 (eg. an internal fact finding), to be contrary to the NOHA Code of Conduct and that is not harassment, abuse or bullying.

4.8 Complaint

Any allegation, verbal or written, that involves bullying, harassment, abuse or misconduct within the jurisdiction of the NOHA.

4.9 NOHA and Member Association Personnel

NOHA personnel includes NOHA office employees, council and committee chairs and members, Directors and Officers and any other personnel that may be identified by the NOHA President. NOHA Member Associations personnel include their office employees, council and committee chairs and members, Directors and Officers and any other personnel that may be identified by the Member Association President.

4.10 Billet

Any community volunteer who applies or is requested by an NOHA Member Association to host a traveling player or players on his or her premises during periods when the player(s) will otherwise be unsupervised and outside of the care of parent(s), guardian(s), coach or other designated adult.

4.11 Volunteer

A volunteer is defined as a non-paid person who donates, enters or offers his or her time freely to assigned specific duties.

5. SCREENING PROCESS

The NOHA will conduct the following 12-step screening process for NOHA Personnel and that each Member Association and their members follow the same 12-step screening process within their respective jurisdiction.

Volunteers and staff who do not meet the requirements or abide by the requirements of the screening process may not be accepted, may be disciplined or may be dismissed.

5.1 Position Design

Clearly identify, define and control the design of positions. Each position has a set of conditions and level of risk. Determine screening standards based on position design. (see Appendix L)

5.2 Position Description

Develop and maintain descriptions that define responsibilities, expectations and levels of supervision for each staff and volunteer position (see Appendix L).

5.3 Application Form

Prepare and make available appropriate forms for staff and volunteers and if the position requires other screening measures (medical exam, driver's record, police record check) the application form will so indicate (see Appendix N).

5.4 Formal Recruitment Process

Post all staff and volunteer positions and indicate that screening is a part of the application process.

5.5 Conduct Interviews

Conduct interviews for staff/volunteers to ensure candidates meet the position requirements and fit in with the Association.

5.6 Reference Check

Implement a standard reference check questionnaire and follow through with candidate's list of references.

5.7 Criminal Record Check

All coaches, assistant coaches, trainers, managers, on-ice officials and anyone else determined by the Risk Assessment Tool (Appendix K) will be subject to Criminal Record Checks, as follows:

5.7.1 The OHF/NOHA requires that any check include a vulnerable sector check and search of the national Canadian Police Information Centre database (CPIC).

5.7.2 Any check submitted that is older than six (6) months must be accompanied by a Criminal Offence Declaration form or a notarized sworn document may also be used as an alternative to the Criminal Offence Declaration form. A receipt from the local police station indicating that the process has been initiated must also be included.

5.7.3 Checks of a person's service are not necessary every year of a person's service, but are required for the first year in a position that mandates one and every four years thereafter.

5.7.4 Previous offences that may exclude a person's application for a position within the NOHA and its Member Associations include, but are not limited to, offences against persons, offences involving property or offences related to substance abuse.

5.8 Billets

It is recommended that Billets used within the NOHA be properly screened by the NOHA Member Association, club or league and complete a Criminal Record Check (CRC).

5.9 Orientation

The level of risk associated with a position (as indicated in the position description) will determine when an organization should conduct an orientation session with new staff and volunteers to help familiarize them with the organization's goals, objectives, policies and processes.

5.10 Speak Out Certification

All Coaches, Assistant Coaches, Trainers and Managers within the jurisdiction of the NOHA are required to be certified in the Speak Out Program.

5.11 Officials - Regulation 10.17 from NOHA Constitution

All adult on-ice officials are to provide Criminal Record checks.

All officials, supervisors, and instructors who are 18 years of age will require a police record check in order to officiate, supervise or instruct. Once the individual has been cleared, a police record check will be required every 4 years. These Criminal Record Checks should not be more than 6 months old when submitted as per NOHA Policy 5.7.2.

5.12 Supervise, Evaluate and Follow Up

The risk assessment of each position (as indicated in the position description) will determine the necessary level of supervision and evaluation in respect of a person's performance in his or her position. An example of supervision may include an

unscheduled observation of a practice or game. An example of evaluation may include an end of season interview with a Coach or Team Staff member. Follow up in respect of a person's performance in his or her position may be necessary and will be determined by the position description.

6. SCREENING ADMINISTRATION

NOHA Responsibility

- 6.1** The NOHA Executive Director (or designate) will maintain records of all NOHA Personnel required to be certified in Speak Out. The Criminal Record Checks, of staff and volunteers of the NOHA who are required to submit such information, will be directed to and maintained by the NOHA Legal Counsel.
- 6.2** All personal records maintained by the NOHA and NOHA Legal Counsel will be obtained and secured in compliance with the NOHA Privacy Policy.
- 6.3** NOHA Staff and NOHA Board of Directors will be required to provide a Criminal Record Check upon assuming their role or, at the request of the NOHA President, and every four years thereafter. The cost of providing a Criminal Record Check will be assumed by the individual.

Member Association/Single Entry Team Responsibility

- 6.4** The Member Association President (or designate) will maintain records of all Member Association Personnel required to be certified in Speak Out. The Criminal Record Checks, of staff and volunteers of the Member Association who are required to submit such information, will be directed to and maintained by the Member Association Legal Counsel or Professional Designate.
- 6.5** All personal records maintained by the Member Association and Member Association Legal Counsel will be obtained and secured in compliance with the Member Association Privacy Policy.
- 6.6** Member Association Staff and Member Association Board of Directors will be required to provide a Criminal Record Check upon assuming their role or, at the request of the Member Association President, and every four years thereafter. The cost of providing a Criminal Record Check will be assumed by the individual.
- 6.7** It shall be the policy of the NOHA that all Member Associations must provide documentation of their Harassment/Abuse implementation efforts to the NOHA on an annual basis by May 1st. This documentation will be provided on a check off form and signed by the Member Association President. Copies of these reports will be forwarded to the OHF at the conclusion of each season. (Appendix G)

Supporting Documentation

It would be the responsibility of the Member Association to determine any reimbursements to the individual and to coordinate the fee charged by the police agency. Member Association should have the applicant return the form to the independent designated person within the Member Association. The independent designated person should have a

“Professional Designation” such as: Police, Chiropractors, Notary Publics, Engineers, Banker, Clergy, Doctor, Lawyer, Judge, Principal, Dentist or Accountant. Member Association would establish a Review Committee made up of the list of individuals that have a “Professional Designation” to review the Criminal Records Checks when the police have identified a criminal conviction. Their duties would include comparing the offence to the specific job description and reference checks of that individual and determining the risk involved. If an individual transfers to another Member Association they would be required to provide a new Criminal Record Check and provide any previous Criminal Record Checks that they may have access to. It is the intent that volunteers of the Member Association not have access to other volunteers Criminal Record Checks. By using independent people with Professional Designations this risk is minimized.

7. RECEIVING A COMPLAINT

7.1 When there is a complaint of abuse (as defined in the Child Protection Act) of a child participant there will be no investigation by the NOHA, Member Association, or any member thereof. Any investigation will be left to the police or appropriate child protective agency.

7.1.1 If a complaint of abuse of a child participant results in a conviction, the NOHA, Member Association or any member thereof will exclude the individual convicted.

7.1.2 If a complaint of abuse of a child participant does not result in a conviction, the NOHA, Member Association or member thereof may nevertheless discipline the individual subject to the complaint.

7.2 Complaints of harassment, bullying or misconduct may be handled informally where possible or formally, but within a reasonable timeframe.

7.3 The NOHA, Member Association and any members thereof are not required to deal with all complaints. The NOHA, Member Association or member thereof may decide not to deal with the complaint if it is of the opinion that it:

7.3.1 could be more appropriately dealt with under another policy, rule or regulation;

7.3.2 is frivolous, vexatious or made in bad faith;

7.3.3 is not within the governing body’s jurisdiction; or,

7.3.4 is based on occurrences that are more than six months old.

7.4 Complaints of harassment, abuse or bullying will not qualify a player for an 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.

8. COMPLAINT ADMINISTRATION

8.1 NOHA Responsibility:

8.1.1. If a Complaint is directed to the attention of the NOHA, all relevant information will be forwarded to the associated Member Association for follow up and/or investigation.

8.1.2. Upon notification of a Complaint, the NOHA will report the situation and all relevant information to the Ontario Hockey Federation who will notify the Hockey Canada Insurance Department in accordance with Hockey Canada guidelines.

8.1.3. If a Complaint is addressed to the NOHA but relates to an action within a Member Association, the NOHA President will request the relevant Member Association to conduct an investigation within an agreed time frame. The Complaint will be referred to that Member Association to be dealt with in accordance with this policy and the Member Association policies.

8.1.4. All complaints must be filed on the NOHA Complaint intake form (see Appendix C)

8.1.5 The NOHA will provide an annual report to the OHF on or before June 1 each year that will include: (a) The number of complaints of harassment, abuse, bullying and misconduct received, (b) the number of complaints of harassment, abuse, bullying and misconduct found to be with merit and those without merit, and (c) the number of Speak Out training sessions held and number of certified participants.

8.2 NOHA Member Association/Single Entry Team Responsibility:

8.2.1 Member Associations shall designate one person or committee to accept complaints originating from within their organization. This person or committee will be identified to the Member Association Risk Management Committee at the beginning of each season.

8.2.2 All complaints must be filed on the NOHA Complaint intake form (see Appendix C).

8.2.3 Upon receipt of a Complaint submitted to the Member Associations' designated person, the designated person shall forward a copy immediately to the NOHA Executive Director (or designate).

8.2.4. It is the policy of the NOHA that any and all situations involving Harassment and Abuse must be reported to the NOHA and subsequently to the OHF.

9. INVESTIGATION

9.1 In order to remain impartial for the purpose of hearing appeals, the NOHA will not engage in investigations except: (a) where it is inappropriate for the Member Association to do so, or (b) if the initial investigation was conducted incorrectly as determined by NOHA Regulation 15, or (c) if the complaint is of one Member Association from another Member Association.

9.2 All investigations of harassment, bullying or misconduct will be conducted in accordance with the NOHA Privacy Policy. Disclosure of any part of the final report will be provided at the discretion of the NOHA 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.

9.3 When the NOHA is conducting an investigation, the report resulting from there will be received by the NOHA Officers for review and determination.

9.4 The NOHA will use an Independent Fact Finder to conduct an NOHA initiated investigation.

9.5 Any decision for the NOHA to contact the police on the basis of the Investigation Report will be made by the NOHA President.

9.6 NOHA Member Association/Single Entry Team Responsibility:

9.6.1 NOHA Member Associations are required to oversee all investigations within their jurisdiction.

9.6.2 Once directed to do so, an NOHA Member Association may not cede its responsibility to:

9.6.2.1 complete the investigation and;

9.6.2.2 render a decision within the specified timeframe.

9.6.3 The failure of an NOHA Member Association to complete an appropriate fact finding investigation and render a decision, once directed, may result in disciplinary action at the discretion of the President or Board of Directors.

9.6.4 NOHA Member Associations are encouraged to employ the services of a professional investigation firm or individual, be it that of the NOHA or another approved firm or individual.

9.6.5 NOHA Member Associations must file a copy of the investigation report with the NOHA Executive Director.

10. INVESTIGATION DECISIONS

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

10.1.1 the complaint is with merit;

10.1.2 the complaint is without merit;

10.1.3 there is insufficient information to enable a conclusive decision to be made;
or

10.1.4 the complaint is outside of the jurisdiction of the investigating body.

11. DISCIPLINE

11.1 Any athlete, coach, assistant coach, trainer, manager, official, parent, director, officer, volunteer, employee or chaperone within the NOHA and/or within any of the NOHA Member Associations or member thereof found in violation of the Hockey Canada Policy on Harassment, Abuse and Bullying or the OHF Speak Out Policy or the OHF Code of Conduct or the NOHA Code of Conduct or the NOHA

Speak Out Policies and procedures may be disciplined up to and including dismissal and/or revocation of membership in accordance with the NOHA Constitution, By-Laws and Regulations.

- 11.2** Any athlete, coach, assistant coach, trainer, manager, official, parent, director, officer, volunteer, employee or chaperone within the NOHA and/or any of the NOHA Member Associations who knowingly brings a false complaint against an NOHA participant may be disciplined up to and including dismissal and/or revocation of membership in accordance with the NOHA Constitution, By-laws and Regulations.
- 11.3** Any athlete, coach, assistant coach, trainer, manager, official, director, officer, volunteer, employee or chaperone within the NOHA 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 an investigation. This action will be reviewed by the NOHA President or other designate on a case by case basis in accordance with the NOHA Constitution, By-laws and Regulations.
- 11.4** Any coach, assistant coach, trainer, manager, official, director, officer, volunteer, employee or chaperone within the NOHA 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 NOHA Constitution, By-Laws and Regulations.

12. SANCTIONS

a) When directing appropriate disciplinary sanctions, the NOHA and/or its Member Associations shall consider factors such as:

- 1 - The nature and security of the harassment and bullying information.
- 2 - Whether the harassment and bullying involved any physical contact.
- 3 - Whether the harassment and bullying was an isolated incident or part of an ongoing pattern.
- 4 - The nature of the relationship between the complainant and the respondent.
- 5 - The age of the Complainant.
- 6 - Whether the respondent has been involved in any previous harassment and bullying incidents.
- 7 - Whether the respondent admitted responsibility and expressed a willingness to change.
- 8 - Whether the respondent retaliated against the complainant.

b) In directing disciplinary sanctions, the NOHA and/or its Member Associations may consider the following options, singly or in combination, depending on the nature and severity of the harassment and bullying:

- 1 - Verbal apology
- 2 - Written apology
- 3 - Letter of reprimand from the NOHA
- 4 - A fine or Levy

- 5 - Referral to counselling
- 6 - Removal of certain privileges of membership or employment
- 7 - Temporary suspension with or without pay
- 8 - Termination of employment or contract
- 9 - Suspension of membership
- 10 - Expulsion from membership
- 11- Publication of the details of the sanction
- 12 - Any other sanction which the NOHA and/or its Member Associations may deem appropriate

c) Failure to comply with a sanction as determined by the NOHA and/or its Member Associations shall result in automatic suspension of membership in the NOHA and/or its Member Associations affiliated with the NOHA, until such time as the sanction is fulfilled.

d) Notwithstanding the procedures set out in this policy, any individual participating in NOHA business, activities or events who is convicted of a criminal offense involving sexual exploitation, invitation to sexual touching, sexual interference, sexual assault, shall face automatic suspension from participating in any activities of the NOHA for a period of time corresponding to the length of the criminal sentence imposed by the Court, and may face further disciplinary action by the NOHA in accordance with this policy.

13. APPEALS

13.1 Except where otherwise provided, an appeal of any disciplinary matter will be regulated and heard in accordance with NOHA Regulation 15.

13.2 It is the policy of the NOHA that the qualifications of the NOHA Harassment and Abuse Appeal Members may include, but is not restricted to: Child psychology, Mediation, Education, Law, Medicine, Hockey and who has attended a Hockey Canada Speak Out clinic.

14. AMENDMENTS

14.1 Any amendments or changes in the Constitution, By-Laws, Regulations or Speak Out Policies and Procedures of Hockey Canada and/or the Ontario Hockey Federation shall automatically amend or change the Constitution, By-Laws, Regulations or Speak Out Policies and Procedures of the NOHA in accordance therewith.

14.2 NOHA Member Associations have the ability to enhance the NOHA Speak Out Polices and Procedures. A copy of the NOHA Member Associations Speak Out Policies and Procedures must be filed with the NOHA Executive Director.