

Boxing Ontario Complaints and Discipline Policy

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A. DEFINITIONS

Individual:	All categories of membership defined in the Association’s Bylaws, as well as all individuals engaged in activities with the Association including, but not limited to, athletes, coaches, referees, officials, volunteers, committee members, and directors and officers of the Association.
Maltreatment:	See Appendix A.
Tier 1 Complaint:	Complaints related to a Maltreatment by an Individual
Tier 2 Complaint:	Complaints related to any disagreement between Individuals that, as decided by the Independent Third Party, does not fall under the scope of a Tier 1 or Tier 3 Complaint.
Tier 3 Complaint:	Complaints related to violation of rules of the contest or policies governing activities at events. This does not include Bout Decisions.
Complainant:	Individual that files the Tier 1, 2, or 3 complaint.
Respondent:	Individual that is accused in a complaint and therefore will respond to the complaint.
Independent Third Party (ITP):	An independent person or organization that is retained by Boxing Ontario to receive reports related to a violation related to Tier 1, 2 or 3 and, if needed, consult on action to be taken. Their performance will be reviewed on an annual basis.
ITP Officer	A qualified and independent team member from ITP Sport who is assigned by ITP Sport Chief Complaints Officer to oversee the management and administration of the complaint in accordance with this Policy.
Activity:	Any practices, tryouts, training camps, club show, tournament, championship, competition, and any event that an Individual is participating in that is organized and/or sanctioned by Boxing Ontario, or which has any direct or indirect impact on Boxing Ontario. The Independent Third Party appointed by Boxing Ontario may, in their sole discretion, decide that an activity should be included in the scope of this definition. This decision may not be appealed.
Member Organization:	An organization that has been admitted into membership of Boxing Ontario.

Minor: An individual who is under the age of majority at the time and in the jurisdiction where the alleged violation occurred. At the time of writing this policy an individual under the age of 18 is a Minor.

Consent: Consent is (a) informed (knowing), (b) voluntary (freely given), and (c) active (not passive). Consent must be demonstrated by clear words or actions, indicating that a person who is legally and functionally competent has indicated permission to engage in mutually agreed upon sexual activity.

Power Imbalance: A Power Imbalance may exist where, based on the totality of the circumstances, an Individual has supervisory, evaluative, a duty of care, or other authority over another Individual.

Power may be represented by seniority, ability, physical size, public profile, gender identity or expression, sexual orientation, ethno-racial identity, level of physical and intellectual disability, and their intersections, as some examples. Maltreatment occurs when this power is misused. Moreover, it is recognized that those from traditionally marginalized groups have experienced positions of lesser power.

B. PURPOSE

Individuals are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with Boxing Ontario's policies, bylaws, rules, regulations, and the Code of Conduct (CoC). Irresponsible behaviour by Individuals can result in severe damage to the integrity of Boxing Ontario and its stakeholders. Conduct that breaches any governing documents may be subject to sanctions pursuant to this policy. The purpose of this policy is to establish a due process to handle any complaint fairly and independently.

C. SCOPE OF APPLICATION

1. This policy applies to all communications and interactions between Individuals including communication by telephone or electronically.
2. This policy applies to the conduct of Individuals during all Activities, including while they are performing services at off-site assignments.

D. ALIGNMENT

1. Boxing Ontario recognizes that Individuals may also be registered with Boxing Canada, PTSOs, and/or Clubs. Boxing Ontario reserves the right to engage in its own review and/or investigation based on this policy if it deems that the process applied by a Member Organization was not up to the standards of Boxing Ontario and best practices in Safe Sport.
2. If Boxing Ontario is informed that sanctions were applied to an Individual by Boxing Canada, PTSOs, and/or Clubs they will report the information to ITP which shall recommend the same sanctions on this individual in Boxing Ontario.

E. REPORTING A COMPLAINT

1. All complaints must be reported directly to the ITP. In the case where the complaint is reported to Boxing Ontario, they will immediately hand it over to the ITP and will have no involvement in the process of resolution unless directed by the ITP.
2. Individuals are expected to report all complaints as soon as possible and no later than 14 days after experiencing or witnessing the interaction, incident, event, or situation of concern. ITP will, at their own discretion determine if any delay in reporting should affect how or whether the matter will be resolved, based on the review of the information provided to them. This decision is not appealable.
3. Tier 1 and 2 complaints must be reported to: boxingontario@itpsport.ca or by dialing 1-833-913-1304.
4. An adult Individual who learns of information and reasonably suspects that a child has suffered an incident of child abuse, including sexual abuse, shall immediately make a report of the suspected abuse to the local authorities and the ITP.
5. The Notice of Complaint must include:
 - 5.1. Contact information of the Complainant
 - 5.2. Name of the Respondent and any affected parties
 - 5.3. Date and location of the incident
 - 5.4. Detailed summary of the incident/s
 - 5.5. All evidence that supports the complaint
 - 5.6. Names of any witnesses of the incident/s

F. DISPUTE RESOLUTION

1. Individuals are encouraged to explain to the person who is showing signs of maltreatment that the conduct is unwelcome but are not obliged to do so. Indeed, each case is different. If addressing the person responsible could lead to an escalation of the maltreatment, or to safety risks, Individuals should not be expected to have to directly interact with that person. If an Individual feels they can safely make it known to the person responsible that the behavior is

unwelcome, of course this may resolve the matter, or may help them later if they make a complaint.

2. Boxing Ontario supports the principles of Alternative Dispute Resolution (ADR) and is committed to the techniques of negotiation, facilitation, and mediation as effective ways to resolve disputes. ADR also avoids the uncertainty, costs, and other negative effects associated with lengthy investigation, hearings, and appeals.
3. It is encouraged for all Individuals to communicate openly, and to collaborate and use problem-solving and negotiation techniques to resolve their differences. Boxing Ontario believes that negotiated settlements are most often preferable to arbitrated outcomes.
4. If an ADR process is mandated, a mediator shall be appointed to mediate the dispute by the ITP.
5. Should a negotiated settlement be reached, the settlement shall be reported to, all parties involved. Any actions that are to take place as a result of the decision shall be enacted on the timelines specified by the negotiated decision, pending approval.
6. Any negotiated settlement will be binding on the parties. Negotiated settlements may not be appealed.
7. Should a negotiated settlement not be reached, the case may proceed to a formal complaints process.

G. ITP OFFICER

Upon the receipt of the complaint an ITP Officer will be assigned by ITP Sport to oversee the management and administration of the complaint in accordance with this Policy and such appointment is not appealable. The ITP Officer will:

1. Assess and identify whether it is a Tier 3 complaint. The ITP Officer may consult the Officials Commission, for the purposes of the assessment.
2. Inform Boxing Ontario CEO about the nature of the complaint and keep updating them on the resolution process.
3. Assess if the complaint is frivolous or outside of the jurisdiction of this policy. Tier 3 complaints will be reported and dealt with under advisement of the Officials Commission. If the consensus is that the complaint is frivolous or outside of the jurisdiction of this policy, the reasoning will be provided to the complainant and Boxing Ontario, and the complaint will be dismissed immediately.
4. If it is deemed the complaint is not frivolous and is within the jurisdiction of this policy, the complaint will be accepted and the decision to accept the complaint will be communicated to the Individual and Boxing Ontario. The decision to accept the complaint means that it will continue to the Review process but does not indicate that the allegation has been confirmed.

5. Anonymous complaints may be accepted at the sole discretion of the ITP Officer; however, Boxing Ontario strongly discourages anonymous complaints recognizing that non-criminal offences are virtually impossible to address without the involvement of the Complainant.
6. The ITP Officer's decision to accept or dismiss the complaint may not be appealed.

H. TIER 1 AND 2 COMPLAINT REVIEW AND INVESTIGATION

Once the complaint is accepted, the following steps will be taken:

1. If it is considered appropriate or necessary on the basis of the circumstances, immediate discipline or the imposition of an interim suspension or other sanctions may be recommended by the ITP Officer and applied by Boxing Ontario, after which further discipline or sanctions may be applied according to this Policy. Boxing Ontario will communicate this decision to the parties involved and to other Individuals, Member Organizations, PTSOs, and Boxing Canada as it is deemed necessary in the circumstances to protect the wellbeing of its members.
2. If there are multiple Individuals complaining against the same person with similar allegations the ITP may decide to review and if needed investigate them together.
3. Not all inappropriate behavior may meet the threshold of Tier 1 and may be processed under other tiers identified in this policy.
4. Once the complaint is accepted the ITP Officer will provide the complaint to the respondent and ask them to submit their response to the allegation(s) within 14 days. In some cases, this deadline may be extended based on the decision of the ITP Officer. This decision may not be appealed.
5. Based on the information collected from both parties and potential witnesses, the ITP Officer will decide if the matter meets the threshold for proceeding to a disciplinary hearing.
6. In exceptional circumstances, the ITP Officer may determine that a reported incident requires further investigation by an independent third-party investigator.
 - a. If an investigation by a third-party investigator is required, the ITP Officer will appoint the investigator that is skilled in investigating similar cases.
 - b. The Investigator must not be in a conflict-of-interest situation and should have no connection to the complainant, respondent, or Boxing Ontario, or Boxing Canada and its other PTSO's
 - c. The appointed investigator will have discretion on the approach to be taken and will be considered a neutral third party with a mandate to seek the truth and make findings based on evidence collected through the investigation process. It is expected the

investigator, in the course of conducting the investigation, will follow current and accepted best practices, principles of fairness and natural justice, and any applicable Federal and/or Provincial legislation.

- d. Upon completion of their investigation, the investigator shall prepare a report that will include a summary of evidence gathered from the parties to the investigation, witnesses, and documentary information. The investigator will provide an analysis of the relevant information gathered and make findings based on the evidence, including a rationale for the findings made. Findings by the investigator shall be based on a balance of probabilities..
7. All parties must cooperate fully in the review or the potential investigation and resolution of the complaint.
8. If a respondent attempts to circumvent the process by failing to respond to a complaint in a thorough or timely fashion or at all, or if the complainant or/and the respondent refuse to participate in the review or third-party investigation process, the ITP Officer nonetheless may proceed based on the information made available to them by the complainant and any witnesses interviewed/investigated as part of the process.
9. The ITP Officer retains the discretion of whether to share the full investigation report with the parties. However, in every case a reasoning for the decision will be shared with the complainant and respondent. This decision may not be appealed.

I. ITP OFFICER RECOMMENDATIONS

1. Upon completing the review and potentially a 3rd party investigation of the complaint, the ITP Officer will determine one or more of the following:
 - a. The matter should be treated as a Tier 1 complaint and must proceed to a Tier 1 disciplinary hearing. In a case of multiple allegations some may be dismissed if not confirmed by the review/3rd party investigation.
 - b. The matter should be treated as a Tier 2 complaint and must be handled under its process.
 - c. The review/3rd party investigation has revealed that the complaint is frivolous, vexatious, or otherwise an abuse of process.
 - d. The review/3rd party investigation has revealed that the complaint does not fall under the jurisdiction of this policy.
 - e. The allegation/s were not confirmed and that the case must be dismissed.

The decision will be communicated to Boxing Ontario and all parties involved.

J. TIER 1 DISCIPLINARY HEARING

1. Upon referral to the Disciplinary Committee the ITP will appoint a Discipline Committee as follows:
 - a. The Discipline Committee shall be an independent tribunal comprised of one - three members, established solely for the purpose of adjudicating the infractions brought before it pursuant to this Policy. In the event where there are three members, the ITP Officer will appoint one of the Discipline Committee's members to serve as the Chair.
 - b. The Discipline Committee will decide on the format under which the complaint will be heard. This decision may not be appealed. The format of the hearing may be an oral in-person hearing, an oral hearing by telephone or other communication medium, a hearing based on a review of documentary evidence submitted in advance of the hearing, or a combination of these methods. The hearing will be governed the Discipline Committee deemed appropriate in the circumstances, provided that:
 - i. The parties will be given appropriate notice of the day, time, and place of the hearing, in the case of an oral in-person hearing or an oral hearing by telephone or other communication medium.
 - ii. Copies of any written documents which the parties wish to have the Discipline Committee consider will be provided to all Parties, through the ITP Officer, in advance of the hearing.
 - iii. The Parties may engage a representative, advisor, or legal counsel at their own expense.
 - iv. The Discipline Committee may request that any other individual participate and give evidence at the hearing.
 - v. The Discipline Committee may allow as evidence at the hearing any oral evidence and document or things relevant to the subject matter of the complaint, but may exclude such evidence that is unduly repetitious, and shall place such weight on the evidence as it deems appropriate.
 - vi. If it is a panel of 3 members, the decision will be by a majority vote.
2. After hearing the matter, the Discipline Committee will reach a decision as to whether an infraction has occurred and if it has, what the sanction should be.
3. The Discipline Committee will issue a written decision, including reasons, for distribution by the ITP Officer to the Respondent, the Complainant, and Boxing Ontario.

4. The decision will be considered a public record, unless determined otherwise by the Discipline Committee.

K. TIER 1 SANCTIONS

1. Prior to determining sanctions, the Discipline Committee will consider factors relevant to determining appropriate sanctions which include
 - a. The nature and duration of the respondent's relationship with the complainant, including whether there is a power imbalance, or the respondent is a person of authority.
 - b. The respondent's prior history and any pattern of inappropriate behavior or maltreatment.
 - c. The ages of the individuals involved.
 - d. Whether the respondent poses an ongoing and/or potential threat to the safety of others.
 - e. The respondent's voluntary admission of the offense(s), acceptance of responsibility for the violation, and/or cooperation in the process.
 - f. Real or perceived impact of the incident on the complainant and/or Boxing Ontario and its Member Organization/s.
 - g. Circumstances specific to the respondent being sanctioned (e.g. lack of appropriate knowledge or training regarding the requirements in this Policy; addiction; disability; illness).
 - h. Respondent who is a person in authority or otherwise in a position of trust, intimate contact or high-impact decision-making may face more serious sanctions.
2. 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.
3. The Discipline Committee may apply the following disciplinary sanctions, singularly or in combination:
 - a. Verbal or Written Warning - A verbal reprimand or an official, written notice and formal admonition that more severe sanctions will result should the individual be involved in other violations.
 - b. Education - The requirement that an Individual undertake specified educational or similar remedial measures to address the violation(s).

- c. Probation - Should any further violations occur during the probationary period, will result in additional disciplinary measures, likely including a period of Suspension or permanent Ineligibility from Activities. This sanction can also include loss of privileges or other conditions, restrictions, or requirements for a specified period of time.
 - d. Suspension - Suspension, either for a set time or until further notice, from participation, in any capacity, in any Activity. A suspended Individual is eligible to return to participation, but reinstatement may be subject to certain restrictions or contingent upon the Individual satisfying specific conditions noted at the time of suspension.
 - e. Eligibility Restrictions - Restrictions or prohibitions from some types of participation but allowing participation in other capacities under strict conditions.
 - f. Permanent Ineligibility - Permanent ineligibility to participate, in any capacity, in any Activity.
 - g. Other Discretionary Sanctions - Other sanctions 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.
4. The above sanctions are representative penalties only, that they may be modified to fit the circumstances of the infraction, and that they are presented generally in order of severity.
5. Unless the Discipline Committee decides otherwise, any disciplinary sanctions (such as a period of ineligibility) will begin immediately and timelines will be provided for fulfillment of other sanctions (such as a written apology), notwithstanding an appeal. Failure to comply with a sanction as determined by the Discipline Committee will result in an automatic suspension until such time as compliance occurs.
6. An Individual's criminal conviction, at any time, for any of the following Criminal Code offenses shall carry a presumptive sanction of permanent ineligibility from participating in an Activity and expulsion from Boxing Ontario:
- a. Any offense involving trafficking of illegal drugs or substances
 - b. Any offense involving child pornography
 - c. Any sexual offence involving a Minor
 - d. Any sexual offense other than involving a Minor
 - e. Any offence of assault involving a Minor
 - f. Any offence of physical or psychological violence involving a Minor

7. An Individual's conviction, at any time, for any of the following Criminal Code offenses may be deemed an infraction under this policy as determined by the ITP Officer and may result in permanent ineligibility from participating in an Activity and expulsion from Boxing Ontario:
 - a. Any theft or fraud offence
 - b. Any offence of assault other than involving a Minor
 - c. Any offence of physical or psychological violence other than involving a Minor
8. Records of all decisions will be maintained by Boxing Ontario.

L. TIER 2 PROCESS

1. Tier 2 complaints shall be dealt with by a single Arbitrator appointed by the ITP Officer.
2. The Arbitrator may take steps they consider appropriate to seek to resolve the matter and may determine any appropriate disciplinary sanctions to be taken against a Respondent in accordance with this Policy.
3. The Arbitrator will issue a written decision, including reasons, for distribution by the ITP Officer to the Respondent, the Complainant, and Boxing Ontario.

M. TIER 2 SANCTIONS

1. The Arbitrator may apply the following disciplinary sanctions, singularly or in combination:
 - a. Verbal reprimand
 - b. Written reprimand to be placed in the Respondent's file
 - c. Direction to provide a verbal apology
 - d. Direction to provide a hand-delivered written apology
 - e. Team service or other voluntary contribution to Boxing Ontario or/and its Member Organization/s
 - f. Any other appropriate sanctions as determined by the Arbitrator.
2. The decision will be considered a public record, unless determined otherwise by the Arbitrator.

N. TIER 3 PROCESS

Tier 3 complaints will be reported and dealt with under advisement of the Officials Commission.

O. APPEALS

1. An appeal on the merits will arise when the Disciplinary Panel or the Arbitrator has concluded the relevant process and communicated the decision.
2. To submit an appeal, the Complainant or Respondent must provide a written statement setting out their grounds of appeal to the ITP Officer within fourteen (14) days of the date of receiving the decision. Grounds for appeal may include:
 - a. Failing to follow procedures as set out in this Policy
 - b. Making a decision which was influenced by bias or conflict of interest
 - c. Making a decision which was grossly unreasonable; and,
3. Within sixty (60) days of receiving the written appeal, the ITP Officer may refer the appeal to a new hearing panel composed of one (1) to three (3) individuals. The hearing panel may dismiss the appeal, or allow the appeal and, inter alia, revoke the sanction or findings, or impose a different sanction. In each case, the hearing panel must give reasons in writing for its decision.
4. Every appeal will be handled in a manner that upholds the principles of procedural fairness applicable in the circumstances.
5. In every case, affected persons shall be notified in writing of the appeal, and provided with the opportunity to deliver responding evidence and submissions.

P. OTHER CONSIDERATIONS

Confidentiality

Individuals can be assured that the ITP Officer and Boxing Ontario will take all possible steps to preserve confidentiality to the extent reasonably possible and in accordance with applicable privacy legislation and other legal requirements. Despite assurances of confidentiality and privacy, Boxing Ontario must report incidents that are likely to give rise to a claim to its insurance provider at the time Boxing Ontario is made aware of the incident. Moreover, the ITP Officer and Boxing Ontario may be required to share relevant information with child protection authorities and law enforcement. The ITP Officer and Boxing Ontario may also be required to provide sufficient information about the allegation(s) to an Individual to enable them to provide a proper response. In many cases, this will mean that anonymity is not feasible or fair.

Boxing Ontario will keep and retain all relevant records in accordance with the applicable legislation. Such records will be stored in a confidential file maintained and accessed only by those that are authorized to have access to the confidential information.

Fabricated, Malicious, Frivolous or Vexatious Complaints

If it is determined that an Individual made a report or influenced others to make a report that is fabricated, malicious, frivolous or vexatious, they will be subject to disciplinary action up to and including expulsion. Repeated unfounded reports can lead to more severe disciplinary action, up to and including expulsion.

An allegation is false if the events reported did not occur, and the person making the report knows the events did not occur. A false allegation is different from an unsubstantiated allegation; an unsubstantiated allegation means there is insufficient supporting evidence to determine whether an allegation is true or false. An unsubstantiated allegation alone that is made in good faith is not grounds for violation, nor will it necessarily be considered fabricated, malicious, frivolous or vexatious.

Manipulation of Process, Retaliation and Aiding & Abetting

Individuals will be subject to discipline if they directly or indirectly interfere with this policy by:

- falsifying, distorting, or misrepresenting information, the resolution process, or an outcome
- attempting to discourage an Individual's proper participation in or use of this process
- harassing or intimidating (verbally or physically) any person involved in the process
- publicly disclosing identifying information of an Individual, without permission
- failing to comply with any temporary or provisional measure or other final sanction distributing
- publicizing materials an Individual gains access to during the review process or hearing, except as required by law or as expressly permitted influencing
- attempting to influence another person to interfere with or manipulate the process facilitating, promoting, or encouraging the commission of maltreatment.

Retaliation

Retaliation is prohibited. It is a violation of this policy to retaliate in any way against an Individual who has raised a good faith concern or made a bona fide report about alleged or suspected misconduct, or against a witness, investigator, decision maker or another person who has cooperated or participated in the process. Retaliation includes threatening, intimidating, harassing, coercing, or any other conduct that would discourage a reasonable person from engaging or participating in this process.

Retaliation after the conclusion of the sanction process is also prohibited. Retaliation may be present even where there is a finding that no misconduct occurred.

Any person who experiences such retaliation must immediately report their concern to ITP and the Boxing Ontario. Disciplinary action will be taken against an Individual who engages in retaliatory conduct, up to and including expulsion.

Conflict of Interest

All Individuals involved in this process must identify any direct or indirect conflict of interest relating to the complaint. Failure to disclose a conflict of interest, or once disclosed, failure to have absolutely no influence on the case will be subject to discipline.

Appendix A

The categories of Maltreatment below are not mutually exclusive, nor are the examples provided in each category an exhaustive list. Rather, what matters for the assessment of the Maltreatment is whether the conduct falls into one or more of the categories, not into which category it falls. Abuse, assault, harassment, bullying, and hazing can be experienced in more than one category of Maltreatment.

Maltreatment is defined as volitional acts that result in harm or the potential for physical or psychological harm, including:

(a) Psychological Maltreatment

Any pattern or a single serious incident of deliberate conduct that has the potential to be harmful to the psychological well-being of an Individual. Psychological Maltreatment includes, without limitation, verbal acts, non-assaultive physical acts, and acts that denies attention or support. It is determined by the objective behavior, not whether harm is intended or results from the behavior.

Verbal Acts

Verbally assaulting or attacking someone, including but not limited to: unwarranted personal criticisms; body shaming; derogatory comments related to one's identity (e.g. race, gender identity or expression, ethnicity, Indigenous status, ability/disability); comments that are demeaning, humiliating, belittling, intimidating, insulting or threatening; the use of rumors or false statements about someone to diminish that person's reputation. Verbal Maltreatment may also occur in online forms.

Non-assaultive Physical Acts (no physical contact)

Physically aggressive behaviors, including but not limited to throwing objects at or in the presence of others without striking another, hitting, striking, or punching objects in the presence of others.

Acts that Deny Attention or Support

Acts of commission that deny attention, lack of support or isolation including but not limited to ignoring psychological needs or socially isolating a person repeatedly or for an extended period of time; abandonment of an Individual as punishment for poor performance; arbitrarily or unreasonably denying feedback, learning opportunities, support, or attention for extended periods of time and/or asking others to do the same.

(b) Physical Maltreatment

Any pattern or a single serious incident of deliberate conduct that has the potential to be harmful to the physical well-being of the Individual. Physical Maltreatment includes, without limitation, contact or non-

contact behaviors that have the potential to cause physical harm. Physical Maltreatment is determined by the objective behavior, not whether harm is intended or results from the behavior.

Contact behaviors

Including but not limited to deliberately punching, kicking, beating, biting, striking, strangling, or slapping another; deliberately hitting another with objects.

Non-contact behaviors

Including but not limited to isolating a person in a confined space; withholding, recommending against, or denying adequate hydration, nutrition, medical attention, or sleep; denying access to a toilet; providing alcohol to an Individual under the legal drinking age; providing illegal drugs or non-prescribed medications to Individual.

(c) Emotional Maltreatment

Emotional abuse is a chronic attack on a person's self-esteem. It is psychologically destructive behavior. It can take the form of, among other things, name-calling, threatening, ridiculing, berating, intimidating, isolating, hazing, or ignoring the person's needs.

(d) Sexual Maltreatment

The use of power or authority in an attempt to coerce another person to engage in or tolerate sexual activity, including explicit or implicit threats of reprisals for non-compliance or promises of reward for compliance.

Minors are unable to Consent to sexual touching by an adult. Minors are deemed not to Consent to sexual activity by an adult who is in a position of authority or trust.

Sexual Maltreatment is any sexual act, whether physical or psychological in nature, that is committed, threatened, or attempted against a person without the Consent of that person. It includes, without limitation, any act targeting a person's sexuality, gender identity or expression, that is committed, threatened, or attempted against a person, 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, and cyber stalking of a sexual nature.

Sexual Maltreatment can take place through any form or means of communication (e.g. online, social media, verbal, written, visual, hazing, or through a third party).

Examples of Sexual Maltreatment include, without limitation:

- 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:
 - (a) vaginal penetration by a penis, object, tongue, or finger; and
 - (b) 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:
 - (a) kissing
 - (b) intentional touching of the breasts, buttocks, groin, or genitals, whether clothed or unclothed, or intentionally touching of another with any of these body parts
 - (c) any contact, no matter how slight, between the mouth of one person and the genitalia of another person
 - (d) making another touch themselves, the perpetrator, or someone else with or on any of the body parts listed in (b)
 - (e) any intentional touching in a sexualized manner of the relationship, context, or situation
- In addition to the criminal acts identified above, the Code prohibits sexual relations between an Individual above the age of majority and an Individual who holds a position of trust and authority on the basis that there can be no Consent where there is a Power Imbalance. A Power Imbalance that is presumed to exist may be challenged.

(e) Maltreatment Related to Grooming

Grooming is often a slow, gradual, and escalating process of building trust and comfort with a young person. Grooming includes, without limitation, the process of making inappropriate behavior seem normal and gradually engaging in ‘boundary violations’ (e.g., a degrading remark, a sexual joke, sexualized physical contact; adult Individual sharing rooms with a Minor who is not an immediate family member; providing a massage or other purported therapeutic interventions with no specific training or expertise; private social media and text communications; sharing personal photographs; shared use of locker rooms; private meetings; private travel; and providing gifts).

Grooming usually begins with subtle behaviors that do not appear to be inappropriate. Many victims/survivors of sexual abuse do not recognize the grooming process as it is happening, nor do they recognize that this process of manipulation is part of the overall abuse process.

In the grooming process, the offender begins by gaining trust of adults around the young person. The offender establishes a friendship and gains the young person’s trust. Grooming then involves testing boundaries (e.g. telling sexual jokes, showing sexually explicit images, making sexual remarks). Typically, behavior moves from non-sexual touching to “accidental” sexual touching.

The young person is often manipulated into feeling responsible for the contact, is discouraged from telling anyone else about the relationship, and is made to feel obligated to protect the offender. The offender also builds trust with those close to the young person so that the relationship with the young person is not questioned.

Grooming can occur whether or not harm is intended or results from the behavior.

(f) Bullying and Harassment as a form of Maltreatment

Generally, Bullying and Harassment is any inappropriate conduct or comment by a person towards an Individual that the person knew or reasonably ought to have known would cause that individual to be humiliated or intimidated or otherwise constitutes a threat to the health or safety of the Individual.

Examples of words or actions that might constitute Bullying and Harassment include, without limitation:

- Verbal statements such as derogatory comments, slurs, innuendo or unwanted sexual invitations or comments
- Negative physical contact, such as assault, blocking or impeding of normal movement, or interference with work and/or play
- Inappropriate communication over e-mail or social media or by other electronic means and
- A pattern of behavior that humiliates, intimidates, offends, or degrades the Individual

To constitute Bullying and Harassment, there must be either:

- repeated conduct, comments, displays, actions, or gestures with a lasting, harmful effect on the Individual
- a single, serious improper or unacceptable interaction, incident, event, or situation that has a lasting, harmful effect on the Individual

Bullying and Harassment can occur even where there is no intention to bully or harass.

Harassment

Behavior that is likely to be offensive, embarrassing or humiliating, and that involves unwelcome and offensive comments, conduct, gestures or contact based on or related to race, color, sex, disability, ethnic or national origin, age, religion or creed, sexual orientation, marital or family status, civil status, or other prohibited grounds of discrimination. Types of behavior that constitute harassment include, but are not limited to:

- Written or verbal abuse, threats, or outbursts
 - The display of visual material which is offensive or which one ought to know is offensive in the circumstances
 - Unwelcome remarks, jokes, comments, innuendo, or taunts
 - Leering or other suggestive or obscene gestures
 - Condescending or patronizing behavior, which is intended to undermine self-esteem, diminish performance or adversely affect working conditions
 - Practical jokes which cause awkwardness or embarrassment, endanger a person's safety, or negatively affect performance
- Any form of hazing where hazing is defined as: any potentially humiliating, degrading, abusive, or dangerous activity expected of Individual(s) by a more senior Individual(s), which does not contribute to either person's positive sport experience or development but is required to be accepted as part of a team, regardless of the Individual's willingness to participate. This includes, but is not limited to, any activity, no matter how traditional or seemingly benign, that sets apart or alienates any individual based on class, number of years in Boxing Ontario or its Member Organization, or ability
- Physical assault, including physical violence and unwanted physical contact such as (but not limited to) touching, petting, pinching, or kissing
 - Behaviors such as those described above that are not directed towards a specific individual or group but have the same effect of creating a negative or hostile environment

Sexual Harassment

Engaging in sexually-oriented comments, conduct, anecdotes, gestures or touching that are offensive or unwelcome that create an offensive, hostile or intimidating environment, or that can reasonably be expected to be harmful to the recipient or to Individual. Types of behavior that constitute sexual harassment include, but are not limited to:

- Sexist jokes
- Display of sexually offensive material
- Sexually degrading words used to describe a person
- Inquiries or comments about a person's sex life
- Unwelcome sexual flirtations, advances, propositions, requests, or invitations
- Persistent unwanted contact
- Taking, posting and/or receiving sexually suggestive or explicit photographs of an Individual, including any photograph whatsoever of a Minor outside of a sport setting
- Sexual assault

(g) Discrimination as a form of Maltreatment

Discrimination is improper or unacceptable conduct that is related or connected to a prohibited ground of discrimination under the applicable Provincial human rights legislation. Prohibited grounds of discrimination, may include race, color, ancestry, place of origin, political belief, religion, marital status, family status, physical disability, mental disability, sex, sexual orientation, gender identity or expression, age, or conviction of a criminal or summary conviction offence that is unrelated to employment or intended employment.

What is not Maltreatment

Here are some examples of behaviors that is not considered as Maltreatment:

1. Interpersonal conflicts or relations unless humiliating, intimidating, or threatening to health or safety
2. Different communication styles as those communication styles are within the reasonable limits of respectful interactions
3. The freedom of individuals to choose with whom to socialize in activities not related to the Activity
4. Discipline or termination of membership or employment for cause
5. Constructive performance correction
6. Respectful coaching
7. Respectful discussion of different points of view
8. Time allocation based on the coaches' professional view that is not related to discrimination