



Human Rights Commission

COLLABORATIVE AGREEMENT

This settlement agreement (“Agreement”) dated September 3, 2013 is

BETWEEN:

**Nova Scotia Human Rights Commission
 (“Commission”)**

- and -

**Hockey Nova Scotia
 (“Respondent”)**

Background

1. The Commission initiated a complaint under the *Human Rights Act* on October 12, 2012 against the Respondent concerning the policy of suspending players from playing hockey due to the behaviours of their parents and its impact on the family status protections under the Act.
2. The Commission and the Respondent have worked collaboratively to find a way of addressing the valid concerns of the Respondent to curb abusive behavior of any adults involved with the Respondent while at the same time preserving the ability of children to play hockey despite the actions of parents. After many discussions involving the Commission, Hockey Nova Scotia and members of the public concerned about this issue, the parties agree to the terms below.

Terms of the Agreement

3. The Commission understands that the Respondent does not, by this Agreement, admit any liability.
4. The parties agree to request from the Board Chair approval of this Agreement and the Dispute Resolution Policy, Schedule A, attached as being in the public interest and to conclude the inquiry.

5. The Respondent will immediately commence the process of implementing this Dispute Resolution Policy with all of their member associations. Each Association will place this Dispute Resolution Policy on their website and include it in their September 2014 Membership Applications. This practice will continue unless the parties subsequently agree otherwise. Although implementing the terms of this plan cannot be formally accomplished until September 2014, HNS will implement the spirit of this agreement forthwith. Therefore, for example, HNS will not be suspending any hockey players for the actions of their parents other than in a manner consistent with the attached Dispute Resolution Policy.
6. Failure to comply with this Agreement will result in the order being forwarded to the Supreme Court of Nova Scotia for further action.
7. The Commission further releases the parties as follows:
 - a. The Commission, or anyone representing the Commission will not make or accept any further claims or legal actions against the Respondent, or anyone associated with them, on the facts arising from this complaint.
 - b. The Commission further agrees there are no other side agreements and that the settlement terms in this Agreement are the only terms.
8. All parties understand and agree that the terms of this Settlement Agreement may be subject to disclosure under the *Freedom of Information and Protection of Privacy Act*, and as otherwise required by law.

Signed by:



[Respondent Name]

By the signature of its authorized agent under Section 32(1) of the *Act*, the NSHRC gives its approval to the terms of this Settlement Agreement.

DATED at Halifax, Nova Scotia this 3rd day of February 2014.

**THE NOVA SCOTIA HUMAN
RIGHTS COMMISSION**

SCHEDULE A
DISPUTE RESOLUTION POLICY
Hockey Nova Scotia
January 1, 2014

Definitions:

- Membership:** is an approved Application ("Application") with all of the individuals on the Application being in good standing with the Minor Hockey Association ("Association").
- Members:** are the individuals listed on the approved membership Application, being in good standing with the Association. These persons include parents, guardians and the player.
- Good Standing:** a Member is in good standing until such time as the membership is suspended or revoked.
- Inappropriate Conduct:** conduct unacceptable to the Association as determined by a Discipline Committee, including but not limited to, inappropriate physical and/or vocal abusive behaviour or persistent harassment of volunteers within the Association.
- Hockey Record:** the written record of a Dispute Resolution meeting conducted by Hockey Nova Scotia

Membership Applications:

1. Each Application form will stipulate that: *"As a term of registration the Member(s) agree(s) to the Dispute Resolution Policy as found on the Hockey Nova Scotia Website and on the website of the Minor Hockey Association."* All Members will sign the enclosed form (Dispute Resolution Summary Form) agreeing to abide by the Dispute Resolution Policy.
2. During the registration process, each Member will be advised that the **Dispute Resolution Policy** is on the Hockey Nova Scotia Website and the Minor Hockey Association website.
3. Should any Membership cease to be in good standing, in order for the Membership to continue, the Member not in good standing will have to be replaced. In order to be approved the new/replacement Application must include payment of any outstanding fees, including any costs imposed under paragraph 12(b) of this Policy and and the pro-rata share (number of remaining complete weeks to March 15 divided by 22) of the basic local Association Membership fee. Provided these conditions are met the new/replacement Membership Application will automatically be approved and considered an extension of the original Application. As it relates to revocation or suspension of a Membership, no sanction against any player will be taken until at least 72 hours after notice is provided to a Member that they are not in Good Standing. This allows time for the new/replacement Application to be submitted and processed.
4. Associations will incorporate this Dispute Resolution Policy in either their Bylaws or Policies and Practices.

Investigation Procedures:

At the Association level:

5. If, after a proper investigation by the Officers of the Association, a Member is found to have engaged in Inappropriate Conduct and thereby failed to comply with the Rules and Regulations of the Association, the Officers of the Association are empowered to:
 - (a) issue to the Member a letter of warning, or
 - (b) require the Member to participate in a mediation process (see Appendix A for options), or
 - (c) suspend the Member for up to 30 days, and/or (such suspension has no impact on the membership)
 - (d) where the Member has engaged, in particular, inappropriate physical and/or vocal behaviour, restrict the Member's privileges to attend games and/or practices at Association rinks, or team activities.
6. The Member may appeal the findings and directives of the Association to HNS in accordance with HNS By-Laws.
7. Nothing herein restricts the power of the Association to make a complaint to the police where the inappropriate behaviour is deemed to be criminal.
8. If a Member fails to comply with the terms of any suspension or restriction imposed under paragraph 5 or, the inappropriate conduct continues, the Association may request Hockey Nova Scotia to review the Member's status.

At the Hockey Nova Scotia (HNS) level:

9. Hockey Nova Scotia has undertaken to obtain Protection of Property Agreements with all rinks located in Nova Scotia used by Associations of the HNS.
10. Should an Association request a review of a Member's status or a Member appeals the findings of or sanctions imposed by the Association, Hockey Nova Scotia will attempt to resolve the matter with the Member and the Association through facilitating a meeting through either a mediator, restorative facilitator or the Executive Director of Hockey Nova Scotia. Hockey Nova Scotia will select the facilitation process and incur any upfront costs.
11. Should an Association issue any type of sanction to the Member, which is not authorized under paragraph 5 of this Policy, including removing the Player from play, the Member(s) may immediately request the Executive Director of Hockey Nova Scotia to remove the sanction and direct the Association to follow the procedures as contained within this Policy.
12. Should the process in paragraph 10 not result in an agreed resolution, Hockey Nova Scotia, through the Executive Director may:
 - (a) revoke any sanctions imposed by the Association for reasons, including and not limited to, the ground that a fair process was not followed prior to the Association deeming the Member exhibited Inappropriate Conduct;

- (b) issue a further letter of warning against the Member, including the requirement of the Member to reimburse HNS for all of the costs associated with the efforts of HNS, as referred to in paragraph 10 above, including the cost of the mediator, etc. to a maximum of \$500. If this administrative fee is not paid by the Member within 14 days, the Membership is suspended and the Member is not a Member in good standing until such time as the administrative fee is paid.
- (c) declare a full revocation of the Member's Membership resulting in the membership not being in good standing. Revocation would be effective 72 hours from the time in which the decision was communicated to the Member at the address (including email address) provided by the Member at the time of registration.
- (d) in the case of those having engaged in inappropriate physical and/or vocal behaviour issue a Protection of Property Notice resulting in the Member being barred from all rinks used by Hockey Nova Scotia (see Rink Memorandum of Understanding).

Schedule A to the HNS Dispute Resolution Policy

DISPUTE RESOLUTION SUMMARY

This document is to be included in all Minor Hockey registration materials for the 2014-2015 season and all subsequent hockey seasons.

The Nova Scotia Human Rights Commission and Hockey Nova Scotia have worked collaboratively to find a way of addressing the valid concerns of HNS to curb abusive behaviour of any person involved with HNS while at the same time preserving the ability of children to play hockey despite the actions of parents. After discussions with the Commission and members of the public concerned about this issue, HNS has created a Dispute Resolution Policy.

The full Dispute Resolution Policy is available on both the Hockey Nova Scotia Website (www.hockeynovascotia.ca) and on your Association's website. Please take the time to read and understand the Dispute Resolution Policy since it forms part of the obligations binding the registrants. Please have the registrants also sign below to confirm their knowledge that the Dispute Resolution Policy is a term of the registration

I, _____, acknowledge that all members of this application are also
(registrant)

bound by the HNS Dispute Resolution Policy.

Signature: _____

Date: _____

Signature: _____

Date: _____

Signature: _____

Date: _____