



**Policy #**

**Policy Title**    **Misconduct Reporting and Resolution Policy**

<b>Policy Owner(s) Division / Department</b>	Safe Sport / Operations
<b>Effective Date</b>	May 19, 2020
<b>Last Review Date</b>	May 19, 2020
<b>Applicable Laws, Regulations, or Other Identified Risks</b>	<p>Legislation*: Canadian Criminal Code, Ontario Human Rights Code, Personal Information Protection and Electronic Documents Act (Canada)</p> <p>Industry Codes/Policies*: Canadian Sport Policy, International Skating Union (“ISU”) Code of Ethics, ISU Constitution and Regulations, ISU Medical Guide, Universal Code of Conduct to Prevent and Address Maltreatment in Sport (Canada)</p> <p>*Current and as may be amended from time to time</p> <p>Risks: Strategic, Compliance, Operational, Reputational</p>

**Policy Statement**

The vision of Skate Canada is to inspire all Canadians to embrace the joy of skating. In pursuit of that objective, Skate Canada places the highest priority on ensuring there is a safe, professional, inclusive and respectful environment for all participants in the skating community. It is Skate Canada’s goal and commitment to be a leading Safe Sport organization in Canada and internationally that treats individuals with respect, dignity, and fairness in alignment with our core values, whereby all participants are entitled to feel and know they are safe, and in an environment that is free from all forms of misconduct, which includes maltreatment (behaviors, acts, and/or conduct of abuse including but not limited to physical abuse, psychological abuse, sexual abuse; neglect; grooming; and interference or manipulation with the processes related to the implementation of the National Safe Sport Program, including retaliation, aiding and abetting, failure to report maltreatment of a minor, failure to report inappropriate conduct, and intentionally filing a false allegation), abuse of authority, bullying and/or abusive behaviour, harassment and discrimination. In support of Skate Canada’s vision and core values, this



Misconduct Reporting and Resolution Policy (“Policy”) has been established to ensure that we are providing the safest possible environment for all participants in the skating community. This Policy promotes awareness, fairness, equity, transparency, prevention and the appropriate timely response and resolution of reported violations to this Policy.

Critical to creating and maintaining a safe environment includes the establishment of preventative measures and having accessible reporting and resolution mechanisms in place to provide fair and equitable treatment of all components of Skate Canada’s National Safe Sport Program. This includes the fair and impartial management of complaints of misconduct.

This Policy outlines the available options for reporting issues related to complaints of alleged, suspected or actual misconduct. This Policy is intended to encourage and enable the individuals to whom this Policy applies to raise concerns so that inappropriate behaviour and/or conduct can be addressed and/or corrected. It is important to note that in order to ensure independence with respect to complaints related to misconduct, reporting is made through a confidential third-party reporting system, directly with an external Case Manager who operates at arm’s length to the organization, which provides for anonymity should the reporting individual prefer it.

### **Background / Rationale**

This Policy is designed to support the National Safe Sport Program and as a control to help safeguard the environment, welfare and rights of everyone involved in Skate Canada. The safety and protection of our participants from misconduct environment is of paramount importance. The focus of this Policy is on the collective roles, responsibilities and practices of everyone involved in the skating community, including the critical role of Skate Canada, clubs, skating schools, and sections, to work together in partnership to ensure an optimal operating environment where the safety of our skaters is our priority at all times. Specifically, it is imperative that each of our respective organizations in the skating community work to prevent actions and situations that would give rise to misconduct, and that there is a timely and appropriate response to complaints of suspected or actual misconduct. It is in the interest of all individuals of Skate Canada that such concerns be reported in good faith so that they can be properly addressed and corrected.

### **Definitions**

Certain terms used herein may not be capitalized; however, for the purposes of this Policy, the following terms herein have the ascribed meanings as set forth below. In addition, all references to the singular include the plural and vice versa.



**abuse** means acts that result in harm, potential for harm, or threat of harm to a person, including of a physical, psychological and sexual nature

**abuse of authority** means an improper use of a power inherent in an individual's position to treat a person in an improper, incorrect, inappropriate, illicit or illegal manner

**act that denies attention or support** means 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 a skater as punishment for poor performance, arbitrarily or unreasonably denying feedback, training opportunities, support or attention for extended periods of time and/or asking others to do the same

**athlete**, as defined by Sport Canada, means an individual who is member or registrant of a sport organization subject to the Universal Code of Conduct to Prevent and Address Maltreatment in Sport (UCCMS)

**Board**, pursuant to the Bylaws, means the board of directors of Skate Canada

**bullying (and/or abusive behaviour)** means unwanted physical, verbal or psychological acts, or other objectional conduct (in person and/or online/cyberbullying) by a person, deliberately or subconsciously, that is intended to ridicule, belittle, alienate or humiliate another person irrespective of the persons' hierarchical position with relation to the other person

**Bylaws** mean the bylaws of Skate Canada as amended and which are, from time to time, in force and effect

**Case Manager** means an appropriately qualified, independent, impartial and confidential person or organization retained by Skate Canada through which an individual may pursue the just, fair, and equitable resolution of complaints of alleged, suspected or actual misconduct

**Charter** means the Skate Canada Governance Charter which establishes Skate Canada's governance structure and defines key organizational elements of Skate Canada and the Board



**CEO** means the Chief Executive Officer of Skate Canada, a Board appointed position

**club**, pursuant to the Bylaws, means a not-for-profit organization that is operating for the general purpose of providing Skate Canada programs and is managed by a volunteer board of directors

**coach**, pursuant to the Bylaws, means a skating expert with the required National Coaching Certification Program qualifications to provide a remunerated service at Skate Canada sanctioned clubs and skating schools, both on and off-ice. These individuals shall have registered, provided full payment and have met all professional coach registration requirements as set annually by Skate Canada

**consent**, as defined in the Criminal Code in force and effect and as amended from time to time, means the voluntary agreement of a person over the age of majority to engage in the sexual activity in question and must be present at the time the sexual activity in question takes place. The law focuses on what the person was actually thinking and feeling at the time of the sexual activity. Sexual touching is only lawful if the person affirmatively communicated their consent, whether through words or conduct. Silence or passivity does not equal consent. Sexual activity is only legal when both parties consent. The Criminal Code also says there is no consent when: Someone says or does something that shows they are not consenting to an activity; Someone says or does something to show they are not agreeing to continue an activity that has already started; Someone is incapable of consenting to the activity, because, for example, they are unconscious; The consent is a result of someone abusing a position of trust, power or authority or someone consents on someone else's behalf. A person cannot say they mistakenly believed a person was consenting if: that belief is based on their own intoxication; they were reckless about whether the person was consenting; they chose to ignore things that would tell them there was a lack of consent; or they didn't take proper steps to check if there was consent. For further information, please see the comment below.

Sexual activity with a minor is a criminal offence as is sexual activity with a person under the age of 18 years when the other person is in a position of trust or authority.

*[Comment to Consent: The responsibility for ensuring there is consent is on the person who is initiating or pursuing the sexual activity. When someone has said no to sexual contact, the other person cannot rely on the fact that time has passed or the fact that the individual has not said no again to assume that consent now exists. No one can legally consent in advance to sexual activity in the future when they will be unconscious. No one can legally consent to activity where they will suffer bodily harm, such as activity*



*that will cause serious bruises, stitches or broken bones. It is a criminal offence to engage in sexual activity with a child, as a child is unable to consent.]*

**contact behaviour** includes but is not limited to: deliberately punching, kicking, beating, biting, striking, strangling or slapping another, deliberately hitting another with objects

**department** means a group of multiple divisions (e.g., Marketing and Events, Operations, Performance Excellence)

**director**, pursuant to the Bylaws, means a person elected or appointed to serve on the Board

**discrimination** means behaviour / harassment consisting of actual or perceived adverse differential treatment of an individual based on a personal characteristic (collectively known as “prohibited grounds”) as established in the Canadian Human Rights Act, in force and effect and as amended from time to time, including, but not limited to, race, ancestry, national or ethnic origin, citizenship, colour, religion, age, creed, sex, sexual orientation, gender identity or expression, family status, marital status, genetic characteristics, disability, record of offenses, and any other characteristic prohibited by law

**division** means a department dealing with specific areas of activity, expertise and/or responsibility (e.g., Corporate Services, Finance, Information Technology, Safe Sport and Strategic Communications, are some examples of divisions within the department of Operations)

**electronic communication** means communication using channels including but not limited to email, the Internet, the intranet, instant messaging, text messaging, facsimile, telephony (mobile/cellular, land/fixed line, etc.), voice communications, and social media

**employee** means a person who is hired by Skate Canada on a permanent full-time or short-term on-going basis, or on a temporary / contract basis for a defined period of time. Employees may also include certain independent contractors/consultants who, while not technically employees within the meaning of applicable labour or tax laws, have been identified as being subject to this Policy

**grooming**, as defined in the UCCMS and as may be amended from time to time, means the deliberate conduct by an individual to sexualize a relationship with a minor that



involves the gradual blurring of boundaries and normalization of inappropriate and sexually abusive behaviour. During the grooming process, the individual will gain the trust of the minor and protective adults and peers around the minor often under the guise of an existing relationship. Manipulation tactics are then used to blur perceptions and gain further access to and private time with the minor in order to abuse or exploit the minor. Grooming can occur whether or not harm is intended or results from the behaviour

**harassment** means any vexatious comments, conduct, behaviour, actions or gestures that are committed, threatened or attempted against another person that are insulting, intimidating, demeaning, malicious or offensive, where the person knows or ought reasonably to know that such behaviour or comments are unwelcome, including but not limited to sexual harassment, and criminal harassment as defined in the Criminal Code in force and effect and as amended from time to time, which includes prohibited conduct that causes the other person reasonably, in the circumstances, to fear for their safety or the safety of anyone known to them. See also the definition of “sexual harassment”

**individual** means a person, and includes past and current registrants, members, parents/guardians of skaters (including minor skaters), as well as persons employed by or engaged in activities, events/competitions, and programs with and/or hosted by Skate Canada, including, but not limited to, directors of the Board, members of the standing committees of the Board, members of the operating committees of Skate Canada, officers of Skate Canada, a Skate Canada section (included for the purposes of this Policy), event volunteers, and spectators

**ISU** means the International Skating Union, which is the exclusive international sport federation recognized by the International Olympic Committee (IOC) administering sports in the branches of figure skating and speed skating throughout the world. The ISU is composed of a number of national associations called “ISU Members”, who administer ISU sports at the national level and recognize that all international matters are under the sole jurisdiction and control of the ISU

**intimidation** means threatening behaviour(s) or conduct by a person towards another person with the intention of causing the other person to fear physical or mental injury or harm



**law** means any applicable legislation, statutes, regulations, policies, rules and codes of conduct established by government, legal or regulatory authority, or by any self-regulated industry association by which Skate Canada is or has agreed to be bound

**maltreatment**, as defined in the UCCMS and as may be amended from time to time, means volitional acts that result in harm or the potential for physical or psychological harm, including but not limited to behaviours, acts and/or conduct of abuse including physical, psychological, and sexual; neglect; grooming; and interference or manipulation with the processes related to the implementation of this Policy, including retaliation, aiding and abetting, failure to report maltreatment of a minor, failure to report inappropriate conduct, and intentionally filing a false allegation

**member**, pursuant to the Bylaws, means each person that meets the requirements of any of the three Member classes as defined in Article 3 of the Bylaws and that has been duly admitted as a member of Skate Canada (*which includes coaches, clubs, and skating school*)

**minor** means a child under the age of majority and as defined in the province or territory of Canada, as may be amended from time to time. It is the responsibility of the adult to know the age of a minor

**misconduct** means acts, conduct and/or behaviours that result in or have the potential to result in physical or psychological harm, which for the purposes of Policy includes: maltreatment (behaviours, acts and/or conduct of abuse including physical, psychological, and sexual; neglect; grooming; and interference or manipulation with the processes related to the implementation of this Policy, including retaliation, aiding and abetting, failure to report maltreatment of a minor, failure to report inappropriate conduct, and intentionally filing a false allegation), abuse of authority, bullying, harassment, and discrimination, all as defined within this Policy

**neglect** occurs when a person, who has a duty to care, fails to provide another person with the basic needs and requirements (including lack of reasonable care, inattention to needs, nurturing or well-being, or acts of omissions in care) or protect the other person from harm or potential harm. This includes but is not limited to: not providing an athlete recovery time and/or treatment for an injury; not being aware of and not considering an individual's physical or intellectual disability; not considering supervision of an athlete during travel, training or competition; not considering the welfare of the athlete when prescribing dieting or other weight control methods (e.g., weigh-ins, caliper tests); disregarding the use of performance-enhancing drugs by an athlete; failure to ensure safety of equipment or environment; allowing athlete's to disregard sport's rules,



regulations and standards, subjecting individuals to the risk of maltreatment. Need is determined by the objective behaviour but the behaviour must be evaluated with consideration given to the individuals needs and requirements, not whether harm is intended or results from the behaviour. See also the definition of “act that denies attention or support”

***non-assaultive physical act (no physical contact) means*** physically aggressive behaviours, 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

***non-contact behaviour*** includes but is not limited to: isolating a person in a confined space; forcing a person to assume a painful stance or position for no athletic purpose; the use of exercise for the purposes of punishment; 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 an individual; encouraging or knowingly permitting a skater to return to play prematurely following any injury or after a concussion and without the clearance of a medical professional (Refer to the Concussion Protocol for complete details); encouraging a skater to perform a skill for which they are known to not be developmentally ready

***Notice of Appeal*** means a formal notice served by the individual informing Skate Canada of their intention to request review of a decision

***officer***, pursuant to the Bylaws, means the President and such other officers as the Board may determine by Ordinary Resolution

***organization*** means Skate Canada, unless otherwise noted

***physical abuse*** means an incident of deliberate conduct that has the potential to be harmful to the physical well-being of an individual, which includes, without limitation, contact or non-contact behaviours that have the potential to inflict/cause physical harm. Physical abuse is determined by the objective behaviour, not whether harm is intended or results from the behaviour

***psychological abuse*** means an incident of deliberate conduct that has the potential to be harmful to the psychological well-being of the individual, which includes, without limitation, acts of verbal conduct, non-assaultive physical conduct, and conduct that





denies attention or support (sometimes called 'emotional abuse'). Psychological abuse is determined by the objective behaviour, not whether harm is intended or results from the behaviour

**President**, pursuant to the Bylaws, means the chair of the Board and officer of Skate Canada

**registrant**, pursuant to the Bylaws, means (i) an individual who is registered by a club or skating school with Skate Canada and who is subject to all applicable rules, regulations and policies of Skate Canada but who is not a member; and (ii) an individual who is engaged in any activity provided, sponsored, supported, sanctioned or recognized by Skate Canada and registered directly with Skate Canada but who is not a member (which includes skaters and officials)

**Safe Sport division** is a division of the Operations department of Skate Canada, reporting to the Senior Director, Operations, through which an individual may report incidents of injury and general disputes to Skate Canada

**section**, pursuant to the Bylaws, means an organization incorporated or organized in a particular province or territory (and in some cases, a combination thereof) strategically aligned with Skate Canada, that may receive funds from provincial or territorial Governmental Authorities and be subject to applicable sport recognition programs and transfer payment arrangements. Each Section is held to the governance and operating requirements of their respective province and / or territory(ies) and is responsible for skating in their respective jurisdictions

**sexual abuse** means any form of sexual act and/or interaction, whether physical or psychological in nature, and which may occur through behaviours that do or do not involve actual physical contact, that is committed, threatened, or attempted against an individual without the individual's consent. It includes a sexual act and/or interaction with individual (s) of any age that is perpetrated against the victim's will, unwanted, without consent, or in an aggressive, exploitive, coercive, manipulative, or threatening manner, and includes but is not limited to, the Criminal Code Offenses in force and effect and as amended from time to time, sexual assault, sexual exploitation, sexual interference, invitation to sexual touching, indecent exposure, voyeurism and non-consensual distribution of sexual/intimate images). It also includes sexual harassment and any form of stalking of a sexual nature. Sexual abuse can take place through any form or means of communication (e.g., in-person, electronic communication, verbal, written, visual, through cyber means, or through a third-party)



**sexual harassment** means any vexatious comments, acts or conduct targeted against an individual because of sexuality, sexual orientation, gender identity or expression, that is committed, threatened, or attempted, and where the course of comment or conduct is known or ought reasonably to be known to be unwelcome

**skater** means (i) a person who is registered at a club or skating school with Skate Canada and who is subject to all applicable rules, regulations and policies of Skate Canada but who is not a member; and (ii) a person who is engaged in any activity provided, sponsored, supported, sanctioned or recognized by Skate Canada and registered directly with Skate Canada but who is not a member

**skating school**, pursuant to the Bylaws, means an organization other than a club that is operating for the general purpose of providing Skate Canada skating programs

**social media** means interactive digital-media technologies that facilitate the creation and sharing of information, ideas and other forms of expression via virtual communities and networks

**threat** means the implication or expression of intent to inflict physical harm or actions that a reasonable person would interpret as retaliation or persuasion for some action or course to the persons physical safety or property including, but not limited to, pain, injury, damage, harm or other hostile action

**UCCMS**, means the “Universal Code of Conduct to Prevent and Address Maltreatment in Sport”, as revised from time to time, the core Sport Canada Core document which serves as the foundation for the development of a coordinated implementation strategy to prevent and address maltreatment across all levels of the Canadian sport system, and for all participants (including athletes, coaches, officials, administrators, practitioners, etc.)

**verbal act**, which includes electronic communication, means 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 or rumours or false statements about someone to diminish that person’s reputation, using confidential sport and non-sport information inappropriately (See also the definitions for bullying, harassment, and discrimination)



**vexatious** means actions instituted without sufficient grounds in order to cause annoyance to the person

**we, us, our** means Skate Canada, unless noted otherwise

**zero-tolerance** means a particular type of behaviour, act, conduct or comments that will not be tolerated at all, which, for the purposes of this Policy, is anything that is included in the definition of misconduct

### **Policy Scope/Applicability**

This Policy applies to all individuals, as defined within this Policy.

This Policy applies to complaints of alleged, actual or suspected acts and/or behaviours of misconduct, as defined within this Policy.

This Policy applies whether the misconduct is a pattern or a single incident. Misconduct can take place through any form or means of communication (e.g., electronic communication (for example, telephony, online, social media), verbal, written, visual or through a third-party), physical means, psychological means, including but not limited to the various behaviours, acts and conduct as defined in this Policy.

This Policy applies to reports from or between past and current individuals to whom this Policy applies.

This Policy applies to matters that may arise during the course of Skate Canada's business, activities, and events including without limitation competitions, practices, travel associated with Skate Canada activities, and any meetings.

This Policy applies to an individual's conduct outside of Skate Canada's business, activities, and events when such conduct:

- adversely affects relationships within Skate Canada (and its work and sport environment)
- is detrimental to the image and reputation of Skate Canada
- is sufficiently serious and significant as to be of general importance to skating and/or of general importance to the overall ability of Skate Canada to discharge its objectives



*Note: The applicability of the individual's conduct outside of Skate Canada's business, activities, and events will be determined by Skate Canada at its sole discretion.*

This Policy does not prevent temporary and/or immediate discipline, the imposition of a sanction or membership revocation from being applied as reasonably required by Skate Canada, including and up to suspension or expulsion from Skate Canada pending the outcome of the investigation and resolution process. Further discipline may be applied according to this Policy and/or the Procedure that supports this Policy.

Violations may result in a warning, reprimand, restrictions, suspension, or other disciplinary actions up to and including expulsion, as applicable and appropriate, and/or as permitted by the Bylaws of Skate Canada. For coaches, a violation may also result in a status change to 'not in good standing' or such other status as may be in place from time to time.

This Policy establishes the Misconduct Procedure ("Procedure"), which is designed to ensure an appropriate and timely resolution of reports of alleged, actual or suspected complaints of misconduct received through the external reporting process.

This Policy is also to be read in conjunction with the National Safe Sport Program, the Skate Canada Code of Ethics, and the Trans Inclusion Policy.

This Policy does not apply to matters where there are other Skate Canada policies in place, including but not limited to the policy on anti-doping, and appeals related to the team selection and carding processes.

**IMPORTANT NOTE: To the extent there is a conflict in definitions between this Policy and the UCCMS, the UCCMS prevails unless there is a specific legal definition in the Ontario Human Rights Code which will then apply before the UCCMS.**

### **Policy Requirements**

Skate Canada's goal and commitment is to be a leading Safe Sport organization in Canada and internationally. As part of this pledge, Skate Canada is committed to a zero-tolerance environment for misconduct. If misconduct is present, and/or could result in or have the potential to result in physical or psychological harm, it must be mitigated and appropriate sanctions imposed as misconduct is unacceptable and contrary to the vision, mission and values of Skate Canada and the core values that lie at the heart of Safe Sport.

### **Guiding Principles**



- I. Promoting a Safe Sport environment and culture, including the security, safe practices, and treatment of individuals with respect, dignity, fairness, and inclusion, in support of our core values
- II. Protecting the safety and welfare of all participants through preventative measures, including comprehensive policies and protocols, risk identification and management, education, training, resources, and communication and awareness
- III. Providing an accessible national Safe Sport issue reporting and resolution process that is confidential, compassionate, fair, comprehensive, transparent, and independent; ensures timely resolution; and is without reprisal for complaints of actual or suspected misconduct.

#### Reporting Process

An appropriately qualified independent Case Manager, retained by Skate Canada, will provide an expert and objective facilitation for the reporting of all alleged, actual or suspected complaints of misconduct in support of Skate Canada's commitment to Canada's Safe Sport movement. Such appointment is not appealable. Complaints of misconduct raised through the Case Manager, in accordance with the Procedure, provides for an external, independent and impartial review, investigation and resolution process, and final disposition of all reports of misconduct, and anonymity if the individual prefers it.

If after reviewing the reported concern/complaint the Case Manager determines that the issue does not fall within the mandate of the Case Manager, the issue may be referred back by the Case Manager to Skate Canada to be managed at the appropriate jurisdiction (e.g., club, skating school, section or Skate Canada depending on the situation and where the matter originated).

**Important Note:** Nothing in this section of the Policy or the Policy as a whole or any Skate Canada policy prohibits, is intended to prohibit, Skate Canada from:

- Exercising its lawful rights to communicate with or report violations of law or regulations to a government authority, recognized self-regulated organization (e.g., child welfare authority), the police or law enforcement agency (collectively referred to in this section as 'governing authority'); or
- Cooperating with or participating in any investigation or proceeding conducted by a governing authority

#### No Retaliation for good faith reports



Retaliation against an individual who has reported an incident in good faith will not be tolerated and one who retaliates is subject to discipline up to and including expulsion.

#### Obligation to report

Everyone has an obligation to report actual or suspected behaviours or actions of misconduct in accordance with this Policy. An individual who knowingly fails to report a known actual or suspected behaviours or actions of misconduct pursuant to this Policy and the Procedure may be subject to disciplinary action, at the sole discretion of Skate Canada.

#### Acting in good faith

Anyone reporting a concern must be acting in good faith and have reasonable grounds for believing the information being reported is true and accurate. Any allegations that prove not to be substantiated and prove to have been malicious or intentionally false will be viewed as a serious offence, subject to disciplinary action.

#### Investigation and Resolution Process

The Case Manager is responsible for reports of misconduct reported through the independent, third-party external complaint Case Manager process. The Case Manager will evaluate the nature of the concern to determine the appropriate investigation and resolution steps required. The Case Manager will maintain oversight of the investigation (as required) and resolution process to ensure appropriate and timely resolution, including the decision of appropriate correction/disciplinary action if warranted by the findings and/or conclusions of the investigation, as applicable.

In accordance with the Procedure, the Case Manager has the discretion to choose the resolution process based on the nature of the issue reported, including referring the issue to the club, skating school and/or section for resolution.

Third-party resources may be engaged as required depending on the nature of the report, investigation (as appropriate) and/or resolution process at the sole discretion of the Case Manager.

At any time during the investigation process, at its discretion, the CEO or the Board (as applicable), upon the recommendation of the Case Manager, may determine that an allegation is sufficiently serious to issue an immediate suspension of membership or registration pending the outcome of: the investigation and disciplinary process, as



outlined in the Procedure; or an external investigation initiated by a partner organization or law enforcement agency. For any such action taken, all applicable parties will be notified of same.

### Decisions / Sanctions

After reviewing the matter, a determination will be made regarding whether a violation of this Policy and/or related Skate Canada policies and procedures has occurred, and if so, the sanctions to be imposed. The sanctions imposed will be proportionate to, and reflective of, the nature and severity of the violation, and may involve one or more of a series of disciplinary measures, including suspension or expulsion from membership in Skate Canada, on such terms and conditions, if any, are deemed appropriate or necessary and in accordance with Skate Canada Bylaws as applicable. The decision and/or sanction imposed will be considered a matter of public record unless decided otherwise by Skate Canada.

### Appeal Process

The decision of the Case Manager related to this Policy may be appealed, only in accordance with this Policy and the Procedure, if and as applicable. Not all decisions may be appealed. Decisions may only be appealed on procedural grounds where it has been demonstrated that:

- a decision was made outside of the authority or jurisdiction, as set out in Skate Canada's governing documents
- procedures were not followed as laid out in the bylaws or approved policies of Skate Canada
- a decision was influenced by bias, where bias is defined as a lack of neutrality to such an extent that the decision-maker is unable to consider other views, or that the decision was influenced by factors unrelated to the substance or merits of the decision
- discretion was exercised for an improper purpose
- a decision was made that was extreme and obviously unreasonable

The individual appealing the decision will bear the onus of proof in the appeal, and must demonstrate, on a balance of probabilities, that the decision-maker has made an error. In addition, the individual appealing the decision must have abided by the terms of the resolution process in all respects, including complying with the confidentiality restrictions as outlined in this Policy, failing which the appeal may be denied.



The Board will review the written Notice of Appeal and, at its sole discretion, determine if there are sufficient grounds for appeal.

#### Suspension Pending Investigation

Depending on the nature of the allegation, the CEO or the Board may issue, at its discretion an immediate temporary suspension of membership or registration pending the outcome of the investigation and disciplinary process as outlined in the Procedure or an external investigation initiated by a partner organization or law enforcement agency.

#### Criminal Convictions

An individual's conviction for an offence as listed below and any other offences under the *Criminal Code (as revised from time to time)*, as determined by Skate Canada, will be deemed an infraction under this Policy and will result in immediate permanent expulsion from Skate Canada.

- any sexual offences, including but not limited to child pornography, sexual exploitation, sexual assault
- any offence of violence, including but not limited to assault of any kind, failing to provide the necessities of life, criminal negligence, intimidation
- any drug offences, including but not limited to illegal drug trafficking and possession

#### Confidentiality

Once a complaint of misconduct has been reported and until a decision is released, to protect the interests of all parties, no individual is permitted to disclose either the existence of a complaint or confidential information or records that form part of the investigation of the complaint to any individual outside of the complaint except as strictly required for the purposes of investigating, taking corrective action with respect to the complaint, or as otherwise compelled by law. The Case Manager and/or Skate Canada, as applicable, shall be required to maintain the confidentiality of the complaint, inquiry or record thereof, including contents of meetings, interviews, results of investigations, the discipline and other information only to the extent practical and appropriate. There may be cases that confidentiality and/or anonymity (if applicable) is not feasible, including but not limited to, where an immediate temporary suspension of membership or registration is required pending the outcome of the investigation and disciplinary process and/or final decision on the outcome of the investigation. In





accordance with applicable laws, all instances of a misconduct incident shall be regarded as confidential, and personal information (including name, date of birth, address) will not be disclosed, except in limited circumstances. For example, if disclosure is necessary based on the circumstances to protect someone from harm and/or abuse, or if a potential criminal act could be involved.

In certain circumstances, Skate Canada and/or the Case Manager, as applicable, is obligated by law or by order of a tribunal of competent jurisdiction to disclose confidential information regardless of whether consent is provided.

Any breach of the confidentiality requirements as outlined herein will be treated as a serious offence. The individual who breached the confidentiality requirements may be subject to disciplinary action, at the sole discretion of Skate Canada.

Despite any duty of confidentiality, Skate Canada and/or the Case Manager (as applicable) are legally obligated to contact a child's parents or legal guardian and/or relevant law enforcement officials and/or child welfare authorities in certain appropriate circumstances.

#### Timelines

If the circumstances are such that a timely resolution is not possible, the Case Manager may direct that the timelines as outlined in the Procedure be revised.

In the case of an appeal, if applicable, the Board reserves the right to modify the timelines set out within the Procedure in order to accommodate the particular circumstances of any appeal.

#### Records and Distribution of Decisions

Records of all decisions, including all supporting documentation (investigation reports, any corrective action taken, notes, etc.), will be maintained by the Case Manager and Skate Canada, in a secure location in accordance with the Skate Canada Record Retention Policy for a minimum of 10 years after the date of final resolution. After that time, an assessment will be made to determine what will be kept for a longer period of time or in perpetuity.

Other persons or organizations, including but not limited to, national (domestic and international as applicable) and provincial sport organizations, sections, clubs, skating



schools, etc., may be advised of any decisions rendered in accordance with this Policy and the accompanying Procedure, as applicable.

A database or registry of the names of individuals who have been sanctioned by Skate Canada or whose eligibility to participate in the activities of Skate Canada has in some way been restricted will be maintained and publicly available, in a manner determined by Skate Canada.

**Reference: For complete details on Safe Sport reporting, investigation and resolution process (including decisions and appeals), refer to the Misconduct Reporting and Resolution Procedure and Case Manager Terms of Reference**

### **Roles and Accountabilities**

Creating and maintaining a safe, professional, respectful and inclusive environment that is free from misconduct, and that treats everyone with respect, dignity and fairness in support of our core values is the responsibility of everyone within the skating community working together in partnership. To achieve and support a Safe Sport environment, all individuals are required to understand and comply with this Policy.

#### **Skate Canada**

Skate Canada will take all reasonable steps to implement the necessary preventative measures and respond to any Safe Sport reported occurrence of misconduct.

Skate Canada will collaborate with the federal government, international federations, and national sport organizations, as well as applicable partners to support and advance Safe Sport programs.

#### **Board**

The Board has overall accountability for the approval and oversight of this Policy to ensure that the Policy is consistent with the strategic direction, objectives and strategic plans of Skate Canada.

#### **CEO**

The Board has assigned the responsibility for the implementation of this Policy and the Procedure to the CEO, including ensuring the organization has the appropriate resources to develop ongoing prevention measures, operational procedures and practices for Safe Sport, the development of an evaluation system that regularly monitors the effectiveness of initiatives in Safe Sport, and an ongoing and ever evolving



communication and partnership strategy within the skating community to ensure a Safe Sport environment for all of our participants.

#### Senior Director, Operations (reporting to the CEO)

The Senior Director, Operations, who has responsibility of the Operations department of Skate Canada which includes the Safe Sport division, is responsible for the implementation and ongoing evolution (subject to Board approval), application and maintenance of this Policy, the Procedure and the National Safe Sport Program, and to meet the goals as outlined under “Guiding Principles” within the Policy in the Policy Requirements section.

#### Case Manager

The Case Manager is responsible for the end to end management of reports of complaints of misconduct, including the third-party reporting hotline system, independent review of the report, investigation, and final decision.

#### Individuals

All individuals are responsible to:

- be familiar with and understand the provisions of this Policy, the supporting Procedure, and the Code of Ethics, as well as other applicable Skate Canada policies and protocols, including those specifically identified in this Policy (E.g., Anti-Doping Policy, Concussion Policy, Concussion Protocol, Safe Sport Guide (including helmet use), Incidents of Injury Reporting and Management Policy, Privacy Policy, Trans Inclusion Policy, etc.)
- treat everyone with professionalism, respect, inclusiveness, dignity, and fairness in alignment with our core values
- support Skate Canada’s vision of providing the safest possible environment for all of our participants in the skating community
- report any wrongdoing or concerns as outlined in this Policy
- protect all individuals who report complaints of actual or suspected misconduct from retaliation or reprisal
- take all applicable education and training, as prescribed from time to time

#### **Controls and Monitoring**

The primary controls and monitoring mechanisms for this Policy are as follows:

- Establishment, oversight and continuous updating of policies, procedures, and best guidelines related to Safe Sport



- Evaluation of the effectiveness of the evaluation system that regularly monitors the effectiveness of initiatives in Safe Sport
- Quarterly reports to the Board on decisions related to this Policy
- Education and training requirements, as prescribed from time to time
- Attestation process to the compliance of all policies every two (2) years by the CEO, in accordance with the Policy Management Policy, including this Policy
- Ongoing and ever evolving communication and partnership strategy within the skating community to ensure a Safe Sport environment for all participants
- Active promotion of our Safe Sport commitment throughout all Skate Canada programs, interactions, activities and events
- Collaboration with the federal government, international federations, and national sport organizations, as well as applicable partners to support and advance Safe Sport programs

#### **Reporting and Escalation/Exception**

There are no exceptions to this Policy. Any issues or conflicts with this policy will be escalated to the Board.

#### **Governance / Oversight**

The Board has oversight over this Policy.

This Policy is reviewed and approved at a minimum every three (3) years, or sooner if there are legislative or regulatory changes, as part of policy review and validation in accordance with the Policy Management Policy.

#### **Related Documents**

This Policy is an overarching organizational policy that should be read in conjunction with the following directly and/or indirectly related policies:

National Safe Sport Program

Anti-doping Policy (and Safe Sport Guide with Anti-Doping thereunder)

Athlete Agreement

Code of Ethics

Concussion Policy

Concussion Protocol

Safe Sport Guide, including helmet use



Incidents of Injury Reporting and Management Policy  
Trans Inclusion Policy

Enterprise Risk Management Policy  
Online Criminal Record Check Procedure  
Policy Management Policy  
Privacy Policy  
Record Retention Policy

In addition, the Procedure related to this Policy and any above in order to carry out the Policy.

**Questions/ Contact Information**

For questions, please refer to the Senior Director, Operations