

CANADIAN SAFE SPORT PROGRAM (CSSSP) RULES

TABLE OF CONTENTS

RULE 1	PURPOSE	3
RULE 2	GENERAL PRINCIPLES AND COMMITMENT	3
RULE 3	SCOPE OF APPLICATION	4
RULE 4	CSSP ADOPTING <i>SPORT ORGANIZATIONS</i>	5
RULE 5	REPORTING	6
RULE 6	COORDINATING WITH LAW ENFORCEMENT	8
RULE 7	ASSUMPTION OF JURISDICTION BY THE CCES	8
RULE 8	CONFIDENTIALITY AND PRIVACY	9
RULE 9	PROCESSING OF <i>REPORT</i>	11
RULE 10	<i>PROVISIONAL MEASURES</i>	13
RULE 11	METHODS OF RESOLUTION	16
RULE 12	INVESTIGATION	18
RULE 13	DETERMINATION OF THE <i>REPORT</i> BY THE CCES	20
RULE 14	REVIEW BY THE SAFEGUARDING TRIBUNAL	21
RULE 15	APPEAL OF SANCTION	24
RULE 16	PRIOR HISTORY	24
RULE 17	<i>PUBLIC REGISTRY</i>	25
RULE 18	BREACH OF THE CSSP	25
RULE 19	NO LIABILITY	26
RULE 20	RECOGNITION AND ENFORCEMENT	26
RULE 21	SUPPORT FOR <i>REPORTERS</i> AND <i>RESPONDENTS</i>	26
RULE 22	AMENDMENT AND INTERPRETATION OF THE CSSP	27
RULE 23	<i>REPORTS</i> INVOLVING THE CCES	27
APPENDIX 1	– DEFINITIONS	28

RULE 1 PURPOSE

1.1 Purpose

The *Universal Code of Conduct to Prevent and Address Maltreatment in Sport (UCCMS)* commits the Canadian sport sector to advancing a respectful sport culture that delivers quality, inclusive, accessible, welcoming and safe sport experiences. The Canadian Safe Sport Program (CSSP) is similarly committed to advancing this fundamental goal.

The CSSP recognizes the Canadian Centre for Ethics in Sport (CCES) as the body mandated to independently administer and enforce the *UCCMS* for *Sport Organizations*, by receiving and responding to *Reports of Prohibited Behaviour*, and by developing and carrying out education, prevention and policy activities, including Sport Environment Assessments.

The CSSP Rules (referred to in this document as the CSSP) address the Adoption by *Sport Organizations* of the CSSP, and the process by which *Reports of Prohibited Behaviour* in sport under will be administered and enforced by the CCES.

The CCES may develop and publish separate procedures and policies for Sport Environment Assessments and other education, prevention and policy activities, to achieve the safe sport goals of the *UCCMS*.

1.2 *Universal Code of Conduct to Prevent and Address Maltreatment in Sport*

The *UCCMS* is incorporated by reference into the CSSP as if set out in full herein. Any amendments or modifications to the *UCCMS* shall apply automatically and come into effect immediately upon their adoption without the need for any further action by the CCES or any *Sport Organization*. The *UCCMS* and CSSP are equally authoritative and shall be read harmoniously.

RULE 2 GENERAL PRINCIPLES AND COMMITMENT

2.1 Principles

2.1.1 The CCES is committed to administering the CSSP in a manner that:

- a) Treats individuals with compassion, dignity and respect;
- b) Is trauma-informed;
- c) Meets the requirement of procedural fairness;
- d) Recognizes participatory rights of the *Reporter/Interested Party* in the CSSP process;
- e) Recognizes the importance of proportionality, efficiency and timeliness in responding to, and determining, *Reports of Prohibited Behaviour*.

2.1.2 *Reports of Prohibited Behaviour* in sport are often time sensitive, with delay having potential negative implications for any one or more of the *Reporter/Interested Party*, the *Respondent*, the sport, or other *Participants*. Accordingly, the CCES (including individuals

appointed by CCES to investigate, manage or serve as a decision-maker in a particular case) may make procedural directions or orders under the CSSP consistent with the recognition of the importance of timeliness in the CCES's administration of *Reports*.

RULE 3 SCOPE OF APPLICATION

3.1 CSSP Application

The CSSP shall apply to all *Participants* in sport, defined as:

- a) the board members, directors, officers, employees, and committee members of a *Sport Organization*;
- b) any *Athlete* who is included in the CCES's National Athlete Pool (NAP);
- c) if not included in the NAP, any *Athlete* who competes at a National Championship or any other national-level event;¹
- d) if not included in the NAP, any *Athlete* who competes at the international level or is a member of a team participating in an international or national-level multisport event under the authority of a *Sport Organization*;
- e) any *Athlete Support Person* who falls under a *Sport Organization's* authority who participates in the *Sport Organization's* sport at the international level or at a National Championship or other national-level event² or any such *Athlete Support Person* who is a member of a team participating in an international or national-level multisport event under the authority of a *Sport Organization*;
- f) any other *Participant* who competes or otherwise participates in sport under the authority of a *Sport Organization* that has adopted the CSSP under their *Adoption Contract* and that the *Sport Organization* has designated as a *Participant* for the purpose of the CSSP; and
- g) any official, judge, umpire or referee involved in any international and/or national-level competition held under the authority or governed by the rules of a national *Sport Organization*.

Each of the above-referenced individuals shall be considered as *Participants* for the purpose of the CSSP.

3.2 Contexts in which the CSSP Applies:

3.2.1 The CSSP shall apply to each of the *Participants* defined above in the following situations:

- a) Within a *Sport Organization's* environment (including online environment);

¹ For such *Athletes*, the CSSP shall only apply for the duration that the *Athlete* participates in the National Championship or national-level event.

² For such *Athlete Support Personnel*, the CSSP shall only apply for the duration that the *Athlete Support Person* participates in the National Championship or national-level event.

- b) When the *Participant* alleged to have committed a *Prohibited Behaviour* was engaging in a *Sport Organization's* activities;
 - c) When the *Participant(s)* involved interacted or were known to each other due to their mutual involvement in a *Sport Organization's* activities; and/or
 - d) Outside of a *Sport Organization's* environment (including online) where the *Prohibited Behaviour* has (i) a serious and detrimental impact on another person and (ii) could undermine the integrity of sport or bring the Canadian sport system into disrepute.
- 3.2.2 When determining whether the CSSP applies, the physical or online location(s) where the alleged *Prohibited Behaviour* occurred is not determinative.
- 3.2.3 For the avoidance of doubt, the CSSP applies at the time the alleged *Prohibited Behaviour* occurred, including to persons who have retired from a *Sport Organization* and/or its sport (or who are otherwise no longer affiliated with the *Sport Organization*) when the *Report* is made.

RULE 4 CSSP ADOPTING SPORT ORGANIZATIONS

4.1 Board Adoption

The CSSP shall be expressly accepted and adopted by the boards of *Sport Organizations*, by way of a formal contract (the "*Adoption Contract*") as part of their internal governing documents, which will integrate the CSSP into the rules of each adopting *Sport Organization* and render the CSSP binding on, at minimum, the *Participants* indicated in Rule 3.1 above.

4.2 Rights, Obligations and Responsibilities

The *Adoption Contract* will specify rights, obligations and responsibilities for the *Sport Organization* and for the CCES. Failure by the *Sport Organization* to comply in all respects with the *Adoption Contract* may result in the *Sport Organization* being deemed non-compliant with the CSSP, and thus non-compliant with the requirements for continued funding by Sport Canada.

4.3 Adoption Contract

The *Adoption Contract* will address, at a minimum, the following issues:

- a) The term.
- b) A requirement that the *Sport Organization's* board approve and accept the CSSP through the normal governance process.
- c) A requirement that the *Sport Organization* has adopted into its own rules the *UCCMS* as amended from time to time.
- d) A requirement that, in respect of all CSSP *Participants* under their authority and control, the *Sport Organization* must ensure that,

- i) the CCES's Safe Sport e-learning module is completed annually by all *Participants* and confirmation of completion or non-completion by each *Participant* is provided to the CCES;
 - ii) every *Participant* is made aware that they are subject to the CSSP;
 - iii) every *Participant* (or their parent/guardian if they are a *Minor*) has signed *UCCMS/CSSP Consent Forms* and provided those forms to the CCES; and
 - iv) every *Participant* who is a coach or person in a position of authority at the *Sport Organization*, must fully cooperate in any CCES investigation (unless they are the *Interested Party* or *Respondent*), and a failure to do so may be investigated and sanctioned as a breach of the CSSP under Rule 18.
- e) A requirement that the *Sport Organization* shall recognize and enforce all *Provisional Measures* (Rule 10) and sanctions as determined by the CCES, the Safeguarding Tribunal or the Appeal Tribunal.
 - f) A requirement that the *Sport Organization* will, at a minimum annually, provide information to the CCES on the measures, if any, imposed on *Respondents* by the *Sport Organization*, under Rules 4.4 and 10.9 and of the CSSP.

4.4 *Sport Organizations* may Impose Measures on *Respondents* Outside the CSSP

Subject to Rule 10.9, the application of the CSSP to a *Participant* shall not prevent or limit a *Sport Organization* from taking additional action against a *Respondent* who is alleged to have engaged in, or has been found to have engaged in, *Prohibited Behaviour*, under the CSSP. In the event a *Sport Organization* takes such action, a *Respondent* may appeal that decision to the Safeguarding Tribunal as if it were a decision made subject to the CSSP. *Sport Organizations* may not, however, fully suspend a *Respondent* from participation in sport where the CCES has not imposed a suspension.

RULE 5 REPORTING

5.1 Who can Submit a Report of *Prohibited Behaviour*

- 5.1.1 Any individual or organization may submit a *Report* of a *Prohibited Behaviour*.
- 5.1.2 *Reports* may be brought by a *Minor*. *Minors* may, but are not required to, have a parent/guardian or other adult serve as their representative during the process set out in the CSSP. For clarity, a *Report* will not be rejected on the sole basis that it was submitted by a *Minor* and not by their parent/guardian. The CCES may determine that the CCES must disclose information to the parent/guardian that a *Report* was made, including having regard to the age of the *Minor*, the alleged *Prohibited Behaviour* and the role of the *Respondent* in sport. Where the CCES determines that it will contact a parent/guardian under the CSSP, the CCES will first consult the *Minor* and may, where

appropriate and if the *Minor* chooses, permit the *Minor* to withdraw their *Report*. The CCES, however, may proceed with the *Report* as an anonymous *Report*.

5.2 Format for Reporting

5.2.1 *Reports* should be made through the CCES online reporting platform. Where a *Reporter* is unable to use the online reporting platform or is not comfortable using this platform, a representative of the CCES will support the *Reporter* in providing the information relevant to the *Report* and submitting that information into the online form.

5.2.2 The *Report* should include the following information:

- a) Name and contact information of the individual reporting the *Prohibited Behaviour* (the "*Reporter*") and their *Sport Organization*, if applicable.
- b) Name of the individual or individuals alleged to be engaged in the *Prohibited Behaviour* (the "*Respondent*") and, if known, the *Respondent's* role in the *Sport Organization(s)* in which they are a *Participant*.
- c) If the *Reporter* is reporting *Prohibited Behaviour* experienced by individual(s) other than themselves, the name(s) of those individuals, unless they are not known to the *Reporter*.
- d) A summary of the incident(s) or behaviour(s) alleged.
- e) Whether or not a *Report* regarding the conduct complained of has been made to the local police or other authorities, including child protective services, if known.
- f) An indication if there is any urgency associated with the *Report*.

5.3 Requests to Keep Identifying Information Confidential

5.3.1 The CCES requests and expects that in most cases, a *Reporter* will provide their personal identifying information to the CCES as set out in Rule 5.2 when making a *Report*.

5.3.2 A *Reporter* may request that their personal identifying information or the personal identifying information of any *Interested Party*, not be shared with a *Respondent(s)* or a *Sport Organization(s)*. The CCES will seek to honour the *Reporter's* request if it is possible to do so while also protecting the health and safety of the *Reporter/Interested Party* and the sport community; and while administering a process that is procedurally fair.

5.3.3 Where the CCES determines that the identity of the *Reporter* or *Interested Party* must be disclosed to the *Respondent*, the *Reporter* will be informed and will be provided the option of not proceeding with the *Report*.

5.4 Anonymous Reports

A *Reporter* may submit an anonymous *Report*, meaning that their name and any identifying information are not shared with the CCES. The CCES will endeavour to action anonymous *Reports* to the best of its ability with the information provided. In certain cases, due to a lack of information, the CCES may be unable to process the *Report* and may close the file. A decision by

the CCES not to proceed under this Rule is without prejudice and does not prevent a *Reporter* or *Interested Party* from submitting a subsequent *Report* in the future.

5.5 Reports Received by Sport Organizations Must be Referred to the CCES

All *Reports of Prohibited Behaviour* against *Participants* of *Sport Organizations* should be made directly to the CCES and should not be made to the local, provincial, multi or national *Sport Organization*. Where a local, provincial, multi or national *Sport Organization* receives a *Report* directly pertaining to a *Participant* of a *Sport Organization*, they must immediately refer the matter to the CCES via the appropriate online form.

RULE 6 COORDINATING WITH LAW ENFORCEMENT

6.1 Reports Made to Other Authorities

If a report to police, child protection services and/or another law enforcement agency has been made regarding a *Respondent's* conduct that amounts to a potential violation of the *UCCMS*, the CCES will contact the relevant authority to explain the *CSSP* process and obtain direction from the authorities regarding what information, if any, the CCES can share with the *Respondent*. The CCES will work with the authorities to ensure that their investigation is not compromised and to ensure that adequate protections are in place to protect the sport community. This can include imposing *Provisional Measures* and/or proceeding with the CCES's process under the *CSSP* pending ongoing police or other processes.

6.2 Duty to Report

Where a *Reporter* has not made a report to the police or other authority, the CCES will determine whether the CCES has a duty to report, in accordance with applicable reporting legislation. If a duty to report exists, the CCES will inform the *Reporter* that the CCES has a duty to report and will exercise its duty without delay. More generally, if the CCES receives information during the course of processing a *Report* which gives rise to a duty to report, the CCES will exercise its duty to report without delay upon receipt of the relevant information.

RULE 7 ASSUMPTION OF JURISDICTION BY THE CCES

7.1 Determination of Jurisdiction

Following receipt of a *Report* that contains the information required under Rule 5 and any other information requested by the CCES, the CCES will determine whether to assume jurisdiction over the *Report*.

7.2 Summary Closure of Reports

7.2.1 The CCES may summarily close a *Report* in its sole discretion, including for the following reasons:

- a) The *Report* does not contain allegations relating to a *Participant* or *Sport Organization*;

- b) The *Report* does not contain allegations of *Prohibited Behaviour*;
- c) The allegations were already addressed and resolved by another domestic or international sport organization, court, tribunal or other comparable forum and the CCES determines no further action is warranted; and/or
- d) The *Report* involves alleged conduct that, due to the passage of time, the CCES is not able to address or investigate.

7.2.2 Prior to summarily closing a *Report*, the CCES may make inquiries or request additional information from the *Reporter/Interested Party* or others.

7.2.3 Where the CCES determines that a *Report* will be summarily closed, the CCES will notify the *Reporter* in writing. This decision is final and cannot be reviewed or appealed.

7.2.4 The CCES may refer or direct *Reports* that have been summarily closed back to the *Sport Organization*.

7.2.5 The summary closure of a *Report* means that following notice to the *Reporter*, the *Report* will be closed by the CCES and no further action will be taken.

7.3 Mandatory Assumption of Jurisdiction

The CCES shall assume jurisdiction over all *Reports of Prohibited Behaviour* covered by the *UCCMS* and *CSSP*.

7.4 Consolidation

Where multiple individuals or organizations bring the same or similar *Reports* against the same *Respondent(s)*, the CCES may, in its sole discretion, consolidate the *Reports*. The CCES will consult with the *Reporter(s)* when making this decision. This decision is final and cannot be reviewed or appealed.

7.5 No Limitation Period

There is no limitation period for making a *Report* to the CCES. The CCES recognizes that *Interested Parties* may require time to *Report*. At the same time, the passage of time may result in loss of evidence or otherwise make it difficult for the CCES to process a *Report*, as a result of which the *Report* may be closed.

RULE 8 CONFIDENTIALITY AND PRIVACY

8.1 Privacy of Individuals

Reports to the CCES are treated as confidential. There are, however, limits to confidentiality. The CCES will make reasonable efforts to protect the privacy of individuals involved in the administration of *Reports*, while balancing the need to gather information to assess and/or investigate a *Report* and to implement the *CSSP* in a manner that is procedurally fair.

8.2 Sharing Information when Processing a Report

The sharing of information will be limited to those who need to know the information for the purposes of implementing the CSSP. Information may be shared, as necessary, with the CCES staff and legal counsel, the *Reporter/Interested Party*, the *Respondent*, witnesses, and other persons with information relevant to the CCES's administering of the *Report*. It may also be necessary for the CCES to provide information to a *Sport Organization*, including:

- a) of an allegation involving a *Participant* from that *Sport Organization*;
- b) if the CCES implements a *Provisional Measure* under Rule 10;
- c) of procedural status updates; and/or
- d) of any sanctions imposed.

8.3 Identity of Interested Party/Reporter Shared Only as Necessary with Sport Organization

Unless necessary for reasons of safety, to enforce a *Provisional Measure* or sanction, to investigate the Prohibited Conduct, or unless the consent of the *Interested Party/Reporter* has been obtained, the CCES will not share the name and identifying information of the *Interested Party* or *Reporter* with the *Sport Organization*.

8.4 Applicable Laws

The CCES will comply with applicable privacy and data protection laws with respect to the collection, use, disclosure, and handling of all personal information or personal data.

8.5 Confidentiality of Resolution Processes

- 8.5.1 *Reporters/Interested Parties, Respondents, witnesses and/or other person(s)* involved in a CSSP resolution process must keep confidential all information received from another party, *Sport Organization* or witness, except as required by the CCES, under this CSSP, or by law. The purpose of this confidentiality provision is to maintain the integrity of all CSSP resolution or investigation processes in response to the *Report*.
- 8.5.2 During the course of the reporting process, Rule 8.5.1 does not prevent *Reporters, Interested Parties, Respondents, or witnesses* from confidentially speaking to health care providers, legal counsel or emotional support person(s).
- 8.5.3 Documents created in the course of a reporting process and their contents, such as an *Investigation Report*, witness summaries, written submissions and evidence submitted by parties, *Letters of Concern*, documents confirming a *Remedial Resolution* under Rules 11.1 to 11.4, and decision letters issued by the CCES, are confidential and must not be disclosed outside of the CSSP or Safeguarding Tribunal or Appeal Tribunal (of the Sport Dispute Resolution Centre of Canada (SDRCC)) process, except as required by law or authorized by the CCES or a Tribunal of the SDRCC.
- 8.5.4 Any breach of Rule 8.5.1 to Rule 8.5.3 may give rise to an Investigation and sanction under Rule 18.

8.5.5 As set out above, confidentiality during a CSSP investigation and resolution process is important to maintain the integrity of the process and to avoid retaliation. Following the conclusion of the reporting process, and subject to the ongoing confidentiality requirements of Rules 8.5.1 and 8.5.3, nothing in this Rule prevents a *Reporter*, *Interested Party*, *Respondent* or witness, from speaking about their own lived experiences, including discussing the *Reported* incident, their experiences participating in the CSSP process, or the outcome.

RULE 9 PROCESSING OF REPORT

9.1 Confirmation of Report by Reporter

Where the CCES assumes jurisdiction over a *Report*, it will, within fourteen (14) days of receipt of the *Report*, confirm the allegations with the *Reporter*. The CCES may also, in its discretion, proceed with the *Report* in the absence of confirmation by a *Reporter*.

9.2 Requests for Further Information

In some circumstances, it may be necessary for the CCES to make requests for further information and/or documentation from the *Reporter* that the CCES considers appropriate. The CCES may set reasonable timelines (e.g., 5-10 days) for the delivery of information. If the requested information is not provided and a request for further time to provide the information is not made or granted, the CCES may close the *Report*, with the possibility that the *Report* may be re-opened when additional information is provided.

9.3 Notice to the Respondent

Within seven (7) days of the allegations being confirmed by the *Reporter*, or of the CCES deciding to proceed with a *Report* in the absence of confirmation, the CCES will send a *Notice of Report* to the *Respondent* (or as appropriate the *Respondent's* parent/guardian if they are a *Minor*), setting out:

- a) a statement of the provisions of the *UCCMS* or *CSSP* alleged to have been breached;
- b) the particulars of the allegations;
- c) the *Reporter/Interested Party* involved (unless unknown or identifying information has been withheld under Rule 5);
- d) an outline of next steps.

The CCES may, in its discretion, extend the timeline for delivery of the *Notice of Report* to the *Respondent* beyond seven (7) days, having regard to the integrity of the investigation, the safety of the sport community, and the rights and interests of the *Reporter/Interested Party* and *Respondent*.

9.4 Notice to the Sport Organization

9.4.1 Within seven (7) days of the *Notice of Report* being sent by CCES to the *Respondent*, the CCES will inform the *Sport Organization* of the *Report*, including the name of the

Respondent and the fact that jurisdiction has been assumed. Unless *Provisional Measures* are imposed, the *Sport Organization* will not be informed of the particulars of the allegations. The Notice to the *Sport Organization* shall not include the name of the *Reporter/Interested Party*, unless this information is reasonably necessary to protect that individual or other *Participants*. Where the *Respondent* is a *Participant* of multiple *Sport Organizations*, the CCES shall report to each applicable *Sport Organization*. Where the *Respondent* to the *Report* is the Safe Sport Officer or the executive director/chief executive officer of the *Sport Organization*, notice of the information in this Rule may be provided by the CCES to the chair of the board of directors of the *Sport Organization*, or their delegate, or other appropriate individual.

9.4.2 The *Reporter/Interested Party* will be notified if the CCES provides the identifying information of the *Reporter/Interested Party* to the *Sport Organization*.

9.5 Referral to Resolution Procedure

Within no more than thirty (30) days following the *Notice of Report* being provided to the *Respondent*, the CCES will initiate one or more resolution procedure(s) under Rules 11.1 to 11.5. In determining the appropriate resolution procedure(s), the CCES will consider information or submissions provided by the *Reporter/Interested Party* or *Respondent*, including any response to the allegations provided by the *Respondent*. Where the CCES determines it is appropriate, the CCES may initiate a resolution procedure prior to receiving submissions from the *Reporter/Interested Party* or *Respondent*, if any.

9.6 Flexibility to Adjust Timelines

The CCES may, in its sole discretion, expedite or adjust as necessary the timelines for the procedures in this Rule as well as Rules 10 to 13, as appropriate to the circumstances, consistent with the principles and goals of the *UCCMS* and *CSSP*.

9.7 Procedural Orders

In order to ensure the efficient, timely and fair processing and resolution of a *Report*, the CCES (including an investigator, case manager or decision-maker appointed by the CCES) may issue procedural orders, such as setting timelines for the delivery of documents or materials, and timelines by which steps in a resolution process, including investigation interviews, must be completed.

9.8 Consequence for Failure to Comply with a Procedural Order

If a *Respondent*, *Reporter/Interested Party*, or witness fails to comply with a procedural order, the CCES may make a decision or take a step without the information from, or in the absence of the participation of, the individual in question. In the context of an investigation under Rule 12, where there is a failure to comply with a procedural order, the investigation may proceed in the absence of that party's evidence and that party shall not be permitted to introduce the evidence to the CCES following the issuance of the *Investigation Report* or in any hearing before the

Safeguarding Tribunal or appeal to the Appeal Tribunal. This prohibition shall not apply to fresh evidence that meets the requirements in Rule 14.4(c).

RULE 10 *PROVISIONAL MEASURES*

10.1 *Provisional Measures Following a Report*

At any stage following receipt of a *Report*, the CCES may impose *Provisional Measures*.

10.2 *Considerations for Imposing Provisional Measures*

10.2.1 *Provisional Measures* may be imposed, without limitation, having regard to a consideration of the following factors:

- a) the safety or well-being of any *Participant(s)* or the sport community;
- b) the seriousness of the allegations and the facts and circumstances of the case;
- c) potential risks and prejudice from action and inaction, with safety being paramount;
- d) the best interest of sport and those who participate in it, including the views of the *Reporter/Interested Party*;
- e) the impact of the measure on the *Respondent*; and
- f) the integrity of the CCES's investigation or other resolution process.

10.2.2 *Provisional Measures* must be reasonable and proportionate, having regard to the factors listed above.

10.2.3 To assess the imposition of *Provisional Measures*, the CCES may receive submissions from or consult with relevant persons, including the *Reporter/Interested Party*. The *Sport Organization(s)* may also be consulted in order to ensure that the implementation of the *Provisional Measures* is pragmatic.

10.3 *Scope of Provisional Measures*

10.3.1 *Provisional Measures* may include, but are not limited to:

- a) modifying training schedules or training locations;
- b) changing or modifying duties, including limiting decision-making authority;
- c) relocating individuals to avoid contact;
- d) providing or requiring chaperones or imposing other monitoring conditions;
- e) implementing contact limitations or measures prohibiting one-on-one interactions;
- f) implementing communication limitations or conditions;
- g) travel restrictions or modifications of travel logistics;

- h) restrictions on activities, including scope of participation in, and location or timing of, training, coaching, officiating and/or non-training, coaching or officiating activities;
- i) imposing check-ins or reporting obligations;
- j) interim remedial or supportive measures, including positive support measures, such as mentorship, training, assignment of a new coach, or facilitating access to counselling; and
- k) suspension from, and prohibition on, participation in all or part of the sport or activities of the *Sport Organization*.

10.3.2 The *Respondent* may be responsible for assuming any costs related to the imposition of a *Provisional Measure*.

10.4 Effective Immediately

Unless stated otherwise, a *Provisional Measure* shall be effective immediately. *Provisional Measure(s)* will remain in effect until the CCES expressly removes or modifies the *Provisional Measure(s)* and/or subject to an order by the Safeguarding Tribunal.

10.5 Notice to the *Respondent*

Except where the CCES determines that *Provisional Measures* must be issued immediately to meet the protective and safety goals set out in Rule 10.2 above, the CCES will provide notice in writing to the *Respondent* setting out the *Provisional Measures* that the CCES is considering imposing, and the basis for those measures. The *Respondent* shall have three (3) business days to provide a response, except where the CCES determines that urgency or safety require that advance notice of some or all of the *Provisional Measures* may be truncated or eliminated, in which case the *Respondent* may request to modify or lift the *Provisional Measure* in accordance with Rule 10.6 below.

10.6 Requests to Modify *Provisional Measures*

At any time, the *Respondent*, the *Reporter*, or an *Interested Party*, may request that the CCES modify or lift *Provisional Measures* having regard to the factors set out in Rule 10.2. Where a *Provisional Measure* is modified or lifted, the CCES will notify the *Respondent*, *Reporter*, the *Interested Party* (as applicable) and the *Sport Organization(s)*. Excessive, repetitive and duplicative requests to modify *Provisional Measures* will not be considered by the CCES.

10.7 Notification and Public Disclosure

10.7.1 When *Provisional Measures* are imposed, the CCES will provide the *Respondent* with notice in writing, including setting out the basis for the *Provisional Measures* imposed.

10.7.2 The CCES will also notify the *Reporter/Interested Party* and *Sport Organization(s)* in which the *Respondent* is a *Participant*. Except as necessary for the *Sport Organization* to enforce the *Provisional Measures*, the information shall be maintained in confidence by

those who are notified of the *Provisional Measures*, unless the CCES publicly discloses the *Provisional Measures* on the *Public Registry* in accordance with Rule 17.

10.7.3 Notwithstanding Rules 10.7.2, the CCES may share information about *Provisional Measures* with sport organizations other than the *Sport Organization* in which the *Respondent* is a *Participant*, if the CCES determines such sharing is necessary to meet the goals of Rule 10.2. In any case where any additional *Sport Organization* is informed of the *Provisional Measures*, the CCES will notify the *Respondent* and *Reporter/Interested Party*.

10.7.4 A *Respondent* may request a review and challenge a CCES decision to publish *Provisional Measures* on the *Public Registry*, in accordance with Rule 10.8.3 below.

10.8 Review by Safeguarding Tribunal

10.8.1 *Provisional Measures* may only be challenged by the *Respondent*; for further clarity, no other party may seek to appeal or review a decision to impose, or not impose, *Provisional Measures*. Within twenty-one (21) days of the CCES issuing the *Provisional Measures*, the *Respondent* may request a review by the Safeguarding Tribunal. The review will be heard by the Safeguarding Tribunal in writing, unless the Tribunal orders that a different form of hearing is required in the circumstances.

10.8.2 The Safeguarding Tribunal shall determine whether the *Provisional Measures* imposed by the CCES are reasonable in the circumstances, taking into account the considerations set out in Rule 10.2.

10.8.3 A *Respondent* may also challenge a decision by the CCES to post a *Provisional Measure* on the *Public Registry*. The Safeguarding Tribunal shall determine whether the posting of the *Provisional Measure* on the *Public Registry* is necessary and appropriate, having regard to the considerations set out in Rule 10.2.

10.8.4 The outcome of any challenge to a *Provisional Measure* shall have no impact on the merits of the case, irrespective of the result.

10.8.5 Any decision rendered by the Safeguarding Tribunal on a review of *Provisional Measures* or the posting of *Provisional Measures* on the *Public Registry* is final and is not subject to further SDRCC appeal or any other form of review.

10.8.6 The parties to the Safeguarding Tribunal review of a CCES decision relating to *Provisional Measures* under 10.8.2 and 10.8.3 are the CCES and the *Respondent*. The *Reporter/Interested Party* may provide a written impact statement.

10.9 Authority of Sport Organizations

10.9.1 *Sport Organizations* may not vary or lift any *Provisional Measure* imposed by the CCES. Pending and following a decision on *Provisional Measures* by the CCES, *Sport Organizations* may impose additional *Provisional Measures* against a *Respondent* under their authority, if doing so is necessary to protect the safety and well-being of any *Participant(s)* or its sport environment. Additional measures imposed by the *Sport*

Organizations cannot include a suspension of a *Respondent* from training and competition, where a suspension was not imposed by the CCES. A *Respondent* may request a review by the Safeguarding Tribunal of additional measures imposed by a *Sport Organization* in accordance with Rule 10.8, in which review the *Sport Organization* will be a *Respondent* in addition to the CCES.

10.9.2 If, following the imposition of *Provisional Measures*, a *Sport Organization* imposes any additional measures on the *Respondent*, it shall promptly communicate the decision to the CCES which may, in its sole discretion, modify the *Provisional Measures* imposed by the *Sport Organization*.

10.10 Breach of *Provisional Measures*

A failure by a *Respondent* to comply with a *Provisional Measure* may be investigated by the CCES as a breach of the CSSP and the UCCMS under Rule 18 and/or may result in the CCES modifying the *Provisional Measures*, including by imposing more restrictive measures, up to and including provisional suspension from, and prohibition on participation in, sport or the activities of the *Sport Organization*.

RULE 11 METHODS OF RESOLUTION

Prior to resolving a *Report* under any of the resolution methods set out in Rules 11.1-11.4, the CCES will, to the extent possible and appropriate in the circumstances, consult with the *Reporter/Interested Party* and the *Respondent*.

11.1 *Letters of Concern*

At any time following the assumption of jurisdiction, the CCES may, in its exclusive discretion, determine that the appropriate resolution of a *Report* is the issuance of a *Letter of Concern*.

The CCES may issue a *Letter of Concern* to a *Respondent* (or a *Minor Respondent's* parent/guardian), where the CCES determines that the alleged conduct may presently constitute *Prohibited Behaviour*, or may constitute *Prohibited Behaviour* in the future if it continues, and that such conduct is best addressed with the *Respondent* by way of educational or remedial measures, which the CCES may require the *Respondent* to undertake. A *Letter of Concern* does not constitute a finding or admission of a breach of the UCCMS or CSSP.

11.2 *Remedial Resolution*

11.2.1 At any time following the assumption of jurisdiction, the CCES may resolve the *Report* by way of a *Remedial Resolution*. A *Remedial Resolution* involves the *Respondent* acknowledging that they engaged in behaviour that may have engaged in *Prohibited Behaviour* in breach of the UCCMS or CSSP. This acknowledgement will not constitute a finding of breach. The CCES will consider the facts gathered in the reporting process to determine the appropriate term(s) of the *Remedial Resolution*, including the imposition of educational and/or remedial and/or safety and/or protective conditions or

requirements. A *Remedial Resolution* is a voluntary, binding agreement between the *Respondent* (or their parent/guardian if they are a Minor) and the CCES.

11.2.2 A Failure to comply with the terms of a *Remedial Resolution* may result in one or more of:

- a) a revocation of the *Remedial Resolution* and investigation of the initial *Report*;
- b) the imposition of Provisional Suspension; and
- c) investigation and possible sanction of the *Respondent* for breach of the *Remedial Resolution* under Rule 18.

11.3 Acceptance of Breach and Sanction

At any time after the assumption of jurisdiction, the *Respondent* may acknowledge that some or all of the behaviour alleged breached the *UCCMS/CSSP* and accept responsibility and a sanction. The CCES will consider and determine the appropriate sanction having regard to the facts gathered in the reporting process, the circumstances surrounding the *Respondent* and the alleged behaviour, and the views of the *Reporter/Interested Party* and *Respondent*. The *Sport Organization* may also be consulted on whether a sanction is pragmatic or effective. The outcome and sanction may be published by the CCES on the *Public Registry*. The CCES may fully resolve a *Report* under this Rule on the basis of an acceptance of responsibility for some, but not all, of the allegations contained in a *Report*. An Acceptance of Breach and Sanction reflects a voluntary, binding acceptance by the *Respondent* (or their parent/guardian if they are a *Minor*) of findings and sanctions as determined by the CCES.

11.4 Facilitated Mediation

11.4.1 At any time following the assumption of jurisdiction, the CCES may, in its sole discretion, determine that mediation between the *Reporter/Interested Party*, *Respondent* and, where necessary, other individual(s) or a representative of the *Sport Organization*, is appropriate and require these individuals to attempt to resolve the matter through mediation. Mediations will generally be held virtually.

11.4.2 The mediation may be facilitated by a mediator internal or external to the CCES or a mediator at the SDRCC. Any CCES representatives involved in facilitating a mediation cannot thereafter be involved in any other substantive or decision-making step in the process relating to this *Report*.

11.4.3 Mediations are attended by the *Reporter/Interested Party*, the *Respondent*, their *Support Person(s)*, and any other individuals as directed by the CCES or the mediator.

11.4.4 Minutes of Resolution

Resolutions under this Rule are agreed to and signed by the *Reporter/Interested Party*, the *Respondent* and the CCES. The CCES participates in the mediation and signs the Minutes of Resolution to ensure that the resolution is consistent with the *UCCMS* and *CSSP*. Facilitated Resolutions are final and binding, and cannot be appealed or reviewed by any party.

11.4.5 Consequences for Breach of Minutes of Resolution

A *Respondent* or *Reporter/Interested Party* who breaches a term of the Minutes of Resolution may be subject to investigation and sanction by the CCES, including under Rule 18.

11.5 Formal Resolution

A formal resolution involves an Investigation of the *Report*, in which findings of fact and findings of credibility are made by an investigator under Rule 12 and a decision on whether the *Respondent* engaged in conduct that breached the *UCCMS/CSSP* is made by the CCES under Rule 13.

RULE 12 INVESTIGATION

12.1 Appointment and Role of Investigator

At any time after assuming jurisdiction, the CCES may appoint an investigator to investigate the *Report*. Investigators appointed by the CCES may be internal or external to the CCES. Investigations will be proportionate to the allegations. Investigators shall have experience or expertise in trauma-informed practice, procedural fairness and the subject area of the *Report* (e.g., sexual or psychological maltreatment). The investigator will generally interview witnesses and collect evidence, including requiring the production of relevant documents, such as texts, emails or other social media or recorded evidence. The investigator's role is to make findings of credibility and findings of fact, on a standard of proof of a balance of probabilities.

12.2 Rights of *Reporter/Interested Party* and *Respondent* in the Investigation

The *Reporter/Interested Party* and the *Respondent* will each have an opportunity in the investigation to submit information and relevant evidence, identify witnesses who may have relevant information, and to submit questions that they believe should be directed by the investigator to each other or to any witness. Subject to any decisions made by the CCES anonymizing the identities of witnesses and a decision by the investigator or the CCES regarding the extent of disclosure necessary to meet the requirements of procedural fairness and/or to maintain the integrity of the *CSSP* process, the *Respondent* and *Reporter/Interested Party* may be provided with witness statements or summaries of the evidence of witnesses interviewed by the investigator, and an opportunity to respond.

12.3 Timeline for Investigations

Investigations should be completed within sixty (60) days of the appointment of the investigator. Procedural orders under Rule 9.7 may be made by the CCES to ensure the timely processing of investigations. The CCES may extend the timeline for completion of investigations, including in complex cases or whether other circumstances so warrant.

12.4 Role of Advisors and Support Persons

The *Reporter/Interested Party* and *Respondent* may be accompanied by an *Advisor* or *Support Person(s)* at any meeting or proceeding related to an investigation. The *Advisor/Support Person(s)* may not provide evidence on behalf of the *Reporter/Interested Party* or *Respondent* (or witness). *Advisors* may ask procedural questions and provide advice to the person they are supporting.

12.5 Relevance

Statements of opinion as to a person's general reputation for any character trait, rather than direct observations or reasonable inferences from facts, will generally not be considered relevant evidence. The investigator will not ask any person irrelevant questions related to that person's sexual expression, past, or other sexual activity. The determination of relevance of other sexual activity should be guided by the law under s. 276 of the *Criminal Code* (as amended).

12.6 Participation in Investigation

12.6.1 Neither the *Reporter/Interested Party* nor the *Respondent* are required to participate in an investigation. If a *Reporter* or *Respondent* declines to cooperate with or participate in an investigation, the CCES may proceed in their absence, on the basis of the available evidence. In the case of a *Reporter/Interested Party*, this may mean that the CCES's ability to investigate the allegations will be limited and, in some cases, the CCES may choose to close the file due to an absence of evidence. In the case of the *Respondent*, if information or evidence pertaining to the alleged *Prohibited Behaviour* are available to the *Respondent*, including the *Respondent's* testimonial or documentary evidence, and are not provided to the investigator prior to the issuance of the *Investigation Report*, such information or evidence shall not be considered by the investigator or by the CCES, nor shall such information or evidence be admitted by the Safeguarding Tribunal.

12.6.2 In general, witnesses who are *Participants* are encouraged to participate in an investigation. Coaches and *Participants* in positions of authority (Rule 4.3(d)(iv)) are required to participate and a refusal to do so may initiate an investigation by the CCES under Rule 18.

12.7 Investigation Report

At the completion of the investigation, the investigator shall deliver an *Investigation Report* to the CCES. The *Investigation Report* will set out the findings of fact and credibility made by the investigator, and the reasons for those findings. The CCES may review the *Investigation Report* and request clarification or additional investigation. If additional investigation is requested, the parties shall be advised and provided an opportunity to respond, as appropriate.

12.8 Acceptance of the Investigation Report

The CCES will accept the findings of fact by the Investigator unless the investigator demonstrated bias, the investigator did not engage in a process that was procedurally fair, including but not

limited to, failing to provide meaningful notice, or the investigator's findings of fact are not supportable based on the facts and reasons as set out in the *Investigation Report*.

RULE 13 DETERMINATION OF THE *REPORT* BY THE CCES

13.1 Delivery of *Investigation Report* to the *Reporter/Interested Party* and *Respondent*

Within five (5) days of receipt of the final *Investigation Report*, the CCES shall provide a copy of the *Investigation Report* and, as appropriate, any attachments or exhibits to the *Report*, which may be redacted of identifying information, to the *Reporter/Interested Party* and to the *Respondent*, on a confidential basis.

13.2 Opportunity to Make Written Submissions

Within ten (10) days of the *Investigation Report* being provided by CCES to the *Reporter/Interested Party* and the *Respondent*, the parties may make written submissions to the CCES on:

- a) the findings of fact made by the investigator and whether the findings give rise to a breach of the *UCCMS* or *CSSP*;
- b) the appropriate sanction (if any) based on the findings made in the *Investigation Report*; and
- c) any submission that the investigation was not procedurally fair in accordance with the criteria for procedural fairness set out in Rule 14.4.

13.3 Decision by the CCES

Following receipt of written submissions under Rule 13.2, if any, the CCES may:

- a) direct the investigator to collect additional evidence and/or to take additional steps to address any procedural fairness concerns, following which a decision under this section may be made;
- b) set aside the investigation and order a new investigation; or
- c) issue a decision, based on the *Investigation Report*, in which the CCES (including any decision-maker appointed or retained by the CCES in respect of a particular *Report*) makes a finding as to whether the *Respondent* engaged in *Prohibited Behaviour* in breach of the *UCCMS/CSSP* on a balance of probabilities and, if so, imposing a sanction as appropriate. Sanctions, if any, shall be imposed by the CCES in accordance with the *UCCMS* Section 7.

The parties shall be notified in writing of the CCES' decision under 13(a)-(c) above, by way of *Notice of Decision*, which will include the reasons for the decision by the CCES.

13.4 *Notice of Decision* is Confidential

The *Notice of Decision* will be provided to the *Respondent*, *Reporter/Interested Party*, and the *Sport Organization(s)*, redacted of identifying information related to the *Reporter/Interested Party* as determined by the CCES. The *Notice of Decision* is confidential, but the outcome and

sanction are not confidential. The outcome and sanction may be posted by the CCES on the *Public Registry* in accordance with Rule 17.

RULE 14 REVIEW BY THE SAFEGUARDING TRIBUNAL

14.1 Reporter/Interested Party and Respondent May Request Review

The *Reporter/Interested Party* and *Respondent* may request a review by the Safeguarding Tribunal of a decision by the CCES under Rules 11.1, 13.3(b) and 13.3(c). In addition, the *Reporter/Interested Party* may request a review of an agreement between the CCES and the *Respondent* under Rules 11.2 and 11.3. Apart from the rights to review outlined in this section and those expressly stated elsewhere in the CSSP, no party shall have any other right to review or appeal any decisions made by the CCES (including investigators or decision-makers retained by the CCES) pursuant to the CSSP.

14.2 Timeline to Request a Review

A request to review a CCES decision or agreement subject to review, as set out in Rule 14.1, must be made within twenty-one (21) days from the date of the CCES decision or agreement is sent to the party seeking review.

14.3 Safeguarding Tribunal Hearing is not a hearing De Novo, Investigation Report Admitted as Fact

A review by the Safeguarding Tribunal is not a hearing *de novo* and is not a redetermination of the investigation. The findings of fact and credibility made in the *Investigation Report* shall be accepted by the Safeguarding Tribunal, except where the findings are successfully challenged by the *Reporter/Interested Party* or the *Respondent* in accordance with Rule 14.4.

14.4 Grounds to Challenge a Finding of Fact or Breach

A challenge to a decision by the CCES that the *Respondent* did or did not breach the *UCCMS/CSSP*, including a challenge to the findings of fact and credibility made in the *Investigation Report*, may only be made on the following grounds:

- a) Error of law, limited to:
 - i) a misinterpretation or misapplication of a section of the *UCCMS/CSSP*;
 - ii) a misapplication of an applicable principle of general law;
 - iii) acting without any evidence; and/or
 - iv) acting on a view of the facts which could not reasonably be entertained.
- b) There was a failure to observe the principles of procedural fairness in the investigative process, in reaching a determination on whether the *UCCMS/CSSP* was breached, and in reaching a conclusion on the appropriate sanction (if any). The extent of natural justice rights afforded to a Party will be less than that afforded in criminal proceedings and may vary depending on the nature of the alleged breach and sanction that may apply.
- c) Fresh evidence relevant to the allegations and the findings made in the *Investigation Report*, limited to instances when such evidence:

- i) could not, with the exercise of due diligence, have been discovered and presented during the investigation and prior to the decision being made;
- ii) is relevant to a material issue arising from the allegations;
- iii) is credible in that it is reasonably capable of belief; and
- iv) has high probative value, in the sense that, if believed, it could, on its own, or when considered with other evidence, have led to a different conclusion on the material issue.
- v) For greater clarity, fresh evidence in this section may not be admitted where the evidence was available with the exercise of due diligence and was not produced by a party following a procedural order under Rules 9.7 and 9.8.

14.5 Grounds to Challenge a *Letter of Concern or Remedial Resolution/Acceptance of Breach*

The sole ground for review of a resolution made under Rules 11.1-11.3 is that the CCES resolution was unreasonable, having regard to the purposes and goals of the *UCCMS/CSSP*, including the role of education and remediation in achieving safe sport. Where the CCES resolved a *Report* under Rules 11.1, 11.2 and 11.3 following the completion of an *Investigation Report*, a challenge to the reasonableness of the resolution may include that the resolution is inconsistent with, or not supported by the findings contained in, the *Investigation Report*.

14.6 Grounds to Challenge a Sanction

A *Reporter/Interested Party* and *Respondent* may challenge a sanction imposed by the CCES on the basis that it is unreasonable having regard to the purposes of sanction under *UCCMS* Section 7.4.

14.7 Parties

The parties to a Safeguarding Tribunal hearing under this Rule are the *Respondent*, *Reporter/Interested Party* and the CCES.

14.8 Production of Documents

14.8.1 Where a *Reporter/Interested Party* or the *Respondent* requests a review of a decision under Rule 13.3, the CCES shall file with the Safeguarding Tribunal and produce to the parties:

- a) the *Investigation Report* and, as necessary to achieve procedural fairness on the facts of the case and the grounds for review, any attachments or exhibits to that *Report* or referenced in the *Report* (e.g., digital records, witness statements or summaries), redacted of identifying information as appropriate;
- b) the submissions provided to the CCES under Rule 13.2;
- c) the submissions and/or evidence on sanction provided to or gathered by the CCES.

There shall be no additional discovery or production of documents by the CCES. The Safeguarding Tribunal may make orders with respect to the scope of production of the

documents to meet the requirements of procedural fairness under Rule 14.8(a) for the purposes of the review.

14.8.2 The *Respondent, Reporter or Interested Party*, as applicable, may adduce evidence relevant to the sanction.

14.9 Form of Hearing

14.9.1 A review of a decision by the CCES shall be in writing, unless ordered otherwise by the Safeguarding Tribunal.

14.9.2 Where, in its discretion, the Safeguarding Tribunal determines there is a basis to hear evidence from witnesses, there shall be no direct questioning or cross examination of witnesses by any party. The Safeguarding Tribunal may ask questions of the *Respondent* or the *Reporter and/or Interested Party*. The *Respondent, Reporter/Interested Party* and the CCES, may provide proposed questions to the Safeguarding Tribunal, which the Tribunal may, in its discretion, put to any witness.

14.10 Powers of the Safeguarding Tribunal

The Safeguarding Tribunal may:

- a) Uphold the decision(s) made by the CCES;
- b) Vary the decision made by the CCES under Rule 13.3 and substitute its own decision on breach and/or sanction in accordance with *UCCMS* Section 7 and the facts before it;
- c) Set aside the *Investigation Report* and direct that the CCES undertake a new investigation;
- d) Stay the *Report* in accordance with the principles of procedural fairness;
- e) Set aside the resolution of a *Report* based on a *Letter of Concern* under Rule 11.1, a *Remedial Resolution* under Rule 11.2, or an Acceptance of Breach and sanction under Rule 11.3, on the basis that it is unreasonable; or
- f) Where the CCES has resolved a *Report* under 11.2 or 11.3 prior to investigation under Rule 12, the Safeguarding Tribunal may set aside the resolution and order the CCES to conduct an investigation under Rule 12.

14.11 Decisions of the Safeguarding Tribunal Redacted

Except where a *Respondent* has been found by the Safeguarding Tribunal to have breached the *UCCMS/CSSP* or where the *Respondent* has acknowledged a breach of the *UCCMS/CSSP* under Rule 11.3, the published decisions of the Safeguarding Tribunal made under Rule 14 shall be anonymized or redacted of the names and identifying information (including the *Sport Organization* as appropriate) of the *Reporter/Interested Party* and *Respondent*. The names and identifying information of the *Reporter/Interested Party* and *Respondent* may be published by the SDRCC with the individual's consent.

RULE 15 APPEAL OF SANCTION

15.1 Appeal to Appeal Tribunal of the SDRCC

- 15.1.1 A *Respondent, Reporter/Interested Party* and the CCES may appeal a decision of the Safeguarding Tribunal relating to a sanction to the Appeal Tribunal of the SDRCC. All other decisions of the Safeguarding Tribunal are final and are not subject to appeal or review.
- 15.1.2 An appeal of a sanction decision shall be made within thirty (30) days of the issuance of the Safeguarding Panel's decision on sanction.
- 15.1.3 An appeal of the Safeguarding Tribunal relating to sanction is not a *de novo* hearing. An appeal of a Safeguarding Panel decision on a sanction shall take the form of a judicial review. The Appeal Panel shall apply a standard of reasonableness.
- 15.1.4 The parties to an appeal of a Safeguarding Tribunal decision on sanction are the parties to a Safeguarding Tribunal hearing under Rule 14, irrespective of whether they participated in the Safeguarding Tribunal hearing.
- 15.1.5 It is not expected that the Appeal Tribunal will require hearing any evidence but in exceptional circumstances where this may be necessary, the Appeal Tribunal shall apply the protections under the SDRCC rules for the Safeguarding Tribunal for *Minor* and vulnerable witnesses.
- 15.1.6 The Appeal Tribunal may uphold, modify or remove any sanction imposed by the Safeguarding Panel.

RULE 16 PRIOR HISTORY

16.1 The CCES may Require Information about Prior History

In the context of assessing or determining *Provisional Measures*, remedial measures or sanction, the CCES may require the *Respondent* or a *Sport Organization* to provide information with respect to whether a finding has ever been made against the *Respondent* by any other *Sport Organization*, whether domestically or internationally.

16.2 Prior History Relevant to *Provisional Measures, Remedial Resolution* and Sanction

Prior history of a *Respondent* (including any *Letters of Concern* issued to the *Respondent*, any *Remedial Resolutions* the *Respondent* has agreed to, and any *Provisional Measures* imposed) will not be relevant to any determination as to whether the *Respondent* did or did not engage in *Prohibited Behaviour* as alleged in a *Report*. Prior history may be relevant to:

- a) an assessment of safety and the imposition of *Provisional Measures* under Rule 10.2;
- b) whether *Remedial Resolution* measures are appropriate under Rule 11; and
- c) the appropriate sanction under Rules 13, 14 and 15.

RULE 17 PUBLIC REGISTRY

17.1 Public Registry

In accordance with the *UCCMS* Section 8, the CCES shall maintain a searchable public database or registry (the *Public Registry*) of *Respondents* whose eligibility to participate in sport has in some way been restricted, along with summary information on the *UCCMS/CSSP* breach (without identifying the *Reporter/Interested Party*) and the restrictions imposed.

17.2 When Sanctions Will Be Posted on the Public Registry

The CCES will post sanctions on the *Public Registry* for the period during which the sanction is in effect, where the sanction includes a suspension, permanent ineligibility or, in the CCES's sole discretion, other sanctions that restrict eligibility to participate in sport. Sanctions will generally not be posted on the *Public Registry* until the expiry of the period for any Appeal and/or until a final determination on sanction has been made.

17.3 When Provisional Measures Will Be Posted on the Public Registry

17.3.1 *Provisional Measures* are protective and are imposed where no finding of breach has been made or admitted to. *Provisional Measures* that involve a suspension or that restrict the participation in sport of a coach or other person in authority, will be posted on the *Public Registry*.

17.3.2 There is a presumption that a suspension or restriction on participation in sport imposed on persons other than those set out in 17.3.1 will be posted on the *Public Registry*. The CCES may, in its sole discretion and on a case-by-case basis, decide not to post *Provisional Measures* for these *Participants*, having regard to balancing the protective purposes of *Provisional Measures* set out in Rule 10.2.

17.3.3 Where the CCES publishes *Provisional Measures* on the *Public Registry*, the category and particulars of the alleged *Prohibited Behaviour* will not be included.

17.4 CCES Database

17.4.1 The CCES shall maintain an internal database with information on all resolutions and sanctions related to a *Participant* who was a *Respondent* under the *CSSP*.

17.4.2 With the consent of the *Participant* as set out in the *UCCMS/CSSP Consent Form* and/or any contract or agreement between them and their *Sport Organization*, any *Sport Organization* may obtain information held by the CCES regarding sanctions or other resolutions relating to that *Participant*.

RULE 18 BREACH OF THE CSSP

18.1 Investigation and Sanction of a Breach of the CSSP

The CCES may investigate and sanction any *Participant* or *Sport Organization* for breach of the *CSSP*, including, but not limited to:

- a) Failure to complete the e-learning module (Rule 4.3.d.i);
- b) Failure by coach/person in authority to cooperate in a CSSP process (Rule 4.3.d.iv);
- c) Breach of confidentiality (Rule 8.4.4);
- d) Breach of Resolution (Rules 11.1 to 11.4);
- e) Breach of a *Provisional Measure* (Rule 10.10);
- f) Breach of a sanction; or
- g) A *Sport Organization's* failure to uphold a decision or sanction.

18.2 Administration of a Breach

Breaches of the CSSP shall be administered in accordance with the CSSP in the same way, and subject to the same rules and principles, as an alleged breach of the *UCCMS*.

RULE 19 NO LIABILITY

No employee, officer, agent, director or contractor (including, but not limited to, external investigator, mediator, legal counsel) of the CCES, shall be liable to any person or *Sport Organization*, for any act or omission relating in any way whatsoever to the CSSP or the administration thereof, except in instances of malice or bad faith.

RULE 20 RECOGNITION AND ENFORCEMENT

20.1 Reciprocal Recognition and Enforcement

20.1.1 If a sanction has been imposed on a *Participant*, whether by the CCES or the Safeguarding Tribunal or Appeal Tribunal, the sanction(s) shall be automatically recognized and enforced, as necessary, by and between all *Sport Organizations*, which shall take all necessary actions to give effect to the sanction.

20.1.2 The CCES may recognize and enforce, including by publishing on the *Public Registry*, sanctions imposed on a *Participant* by a domestic or international sport organization(s) outside of the CSSP, where the sanctions have been imposed on a *Participant* for conduct consistent with behaviour prohibited under the *UCCMS*. Where the CCES recognizes a sanction imposed by a non-CSSP sport organization, such sanction shall be automatically recognized and enforced by and between all *Sport Organizations* in accordance with Rule 20.1.1.

RULE 21 SUPPORT FOR REPORTERS AND RESPONDENTS

21.1 CSSP Support Services

Persons who *Report* or who are considering reporting *Prohibited Behaviour*, are *Respondents* to a *Report*, and/or are persons who have directly experienced *Prohibited Behaviour*, shall be provided with support services by the Support and Wellness Program of the CCES.

21.2 Other Support Services

Nothing in the CSSP shall preclude or restrict other bodies or organizations from creating and offering similar support services to persons who have experienced *Prohibited Behaviour* or are *Respondents* to a *Report*.

RULE 22 AMENDMENT AND INTERPRETATION OF THE CSSP

22.1 Amendment

The CSSP may be amended from time to time by the CCES, after consultations have been undertaken with the Canadian sport community. No amended version of the CSSP shall be effective until each *Sport Organization* has been given a reasonable opportunity to review, accept and re-adopt the revised CSSP.

22.2 Effective Date

The CSSP comes into full force and effect on XX (the “Effective Date”).

22.3 Official Text

The official text of the CSSP shall be maintained by the CCES and shall be published in English and French. In the event of any conflict between the English and French versions of the CSSP, the English version shall prevail.

22.4 Application of the CSSP

The rules of procedure of this CSSP shall apply to all *Reports of Prohibited Behaviour* under the CSSP, regardless of whether they occurred prior to the coming into effect of the CSSP.

22.5 Transitional Period

All matters under the Office of the Sport Integrity Commissioner Abuse-Free Sport Program not completed by March 31, 2025, shall be transferred to the CCES as of April 1, 2025 and shall be completed under the CSSP. The process to be followed in each of these matters shall be determined by the CCES, having regard to the steps set out in the CSSP, the objectives of the CSSP, and the steps that have already been completed under the previous program.

22.6 Times

Unless otherwise specified, times in the CSSP are total consecutive days irrespective of weekends or holidays. When a deadline falls on a weekend or statutory holiday, the next business day shall be the deadline for the purpose of the CSSP.

RULE 23 REPORTS INVOLVING THE CCES

Where a *Report* is made involving an employee of the CCES, the *Report* shall be provided to the third-party investigator to investigate the *Report* and to recommend resolution or investigation under the CSSP. The decision-making steps under the CSSP that would otherwise be made by the CCES, will be made by the third-party investigator.

APPENDIX 1 – DEFINITIONS

Adoption Contract: A formal contract that will integrate the Canadian Safe Sport Program (CSSP) into the rules of each adopting *Sport Organization* in accordance with Rules 3 and 4 of the CSSP. The *Adoption Contract* will specify rights, obligations and responsibilities for the *Sport Organization* and for the Canadian Centre for Ethics in Sport (CCES).

Advisor: The *Reporter*, *Interested Party* and *Respondent* may be accompanied by an *Advisor* or *Support Person(s)* at any meeting or proceeding related to an investigation. The *Advisor/Support Person(s)* may not provide evidence on behalf of the *Reporter* or *Respondent* (or witness). *Advisors* may ask procedural questions and provide advice.

Athlete: Any person that competes in sport at the international and/or national level and that is a member, registrant or licence-holder of a *Sport Organization*; and/or competes at the international and/or national level and is a member of a team participating in multisport events under the authority of a *Sport Organization*.

Athlete Support Personnel: Any coach, trainer, manager, agent, team staff, official, medical, paramedical personnel, or any other person working with, treating or assisting an *Athlete* participating in or preparing for sports competition.

Consent Form: As part of the *Sport Organization's Adoption Contract*, every *Participant* must sign a *Consent Form* making them aware they are subject to the CSSP.

Facilitated Mediation: A resolution process, facilitated by the CCES or the SDRCC, to resolve a *Report of Prohibited Behaviour* through a mutually agreed upon Minutes of Resolution.

Interested Party: A person who has directly experienced alleged *Prohibited Behaviour* and has been identified as an *Interested Party* by the CCES in the CSSP process. An *Interested Party* may or may not be the *Reporter* in a *Report*.

Investigation Report: A report prepared by an investigator, following an investigation, which sets out the findings of fact and credibility made by the investigator on a balance of probabilities, and the reasons for those findings, as set out in Rule 12.

Letter of Concern: A letter issued by the CCES to a *Respondent to Report*, recommending or directing that the *Respondent* engage in remedial or educational activities as set out in Rule 11.1.

Minor: A person under the age of 18.

Notice of Decision: The written notice provided by the CCES to the *Respondent*, *Reporter*, *Interested Party* and the *Sport Organization* (as applicable) setting out the CCES's decision on whether a *Respondent* engaged in *Prohibited Behaviour* following receipt of an *Investigation Report* and the reasons for that decision.

Notice of Report: The written notice provided to the *Respondent* by the CCES informing the *Respondent* that a *Report* has been made against them, as set out in Rule 9.

Participant: an individual who is subject to the *UCCMS* and *CSSP* as defined in Rule 3.1 of the *CSSP*.

Prohibited Behaviour: *Prohibited Behaviour* under the *CSSP* is *Prohibited Behaviour* as defined in the *UCCMS*, conduct that constitutes a breach of the *CSSP*, and conduct that was prohibited by the relevant *Sport Organization's* policies and procedures in place at the time the *Prohibited Behavior* occurred and which would constitute *Prohibited Behaviour* under the *UCCMS*.

Provisional Measure: A temporary protective measure imposed by the *CCES* pending determination of a *Report* in accordance with Rule 10 of the *CSSP*.

Public Registry: A searchable database or registry of *Respondents* whose eligibility to participate in sport has been restricted which is publicly available in accordance with Rule 17 of the *CSSP*.

Remedial Resolution: A resolution agreed to by the *Respondent* and the *CCES* in which the *Respondent* acknowledges that they may have engaged in *Prohibited Behaviour* and agree to the imposition of educational and/or remedial and/or safety and/or protective conditions or requirements by the *CCES* in accordance with Rule 11.3.

Report: An allegation submitted to the *CCES* under Rule 5 of the *CSSP*, that a *Participant* engaged in *Prohibited Behaviour*.

Reporter: The individual who has made a *Report* to the *CCES* alleging that a *Participant* has engaged in *Prohibited Behaviour*. The *Reporter* may or may not be the person directly impacted by the *Prohibited Behaviour* (the *Interested Party*).

Respondent: A *Participant* alleged in a *Report* to have engaged in one or more *Prohibited Behaviours*.

Sport Organization: Any national, provincial or territorial sport governing body that has adopted the *CSSP* or any such governing body's affiliated members, clubs, teams, associations or leagues and includes any Canadian Sport Institute or the *CCES* receiving funding from Sport Canada and/or a multi sport service organization at the national level or in any provincial, territorial or regional jurisdiction in Canada that has adopted the *CSSP*.

Support Person: The *Reporter*, *Interested Party*, and *Respondent* may be accompanied by an *Advisor* or *Support Person(s)* at any meeting or proceeding related to an investigation. The *Support Person* may not provide evidence on behalf of the witness.

Universal Code of Conduct to Prevent and Address Maltreatment in Sport (UCCMS): The core document that sets harmonized rules to advance a respectful sport culture that delivers quality, inclusive, accessible, welcome and safe sport experiences.