

CANADIAN SAFE SPORT PROGRAM (CSSP) RULES

Version 2

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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).

Appeal Panel: The Panel of the Appeal Tribunal of the Sport Dispute Resolution Centre of Canada (SDRCC) that hears an appeal of sanction.

Appeal Tribunal: The division of the Sport Dispute Resolution Centre of Canada (SDRCC) that constitutes Panels whose responsibility is to decide appeals of decisions of a Safeguarding Panel on sanction.

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 multi-sport 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.

Canadian Sport Dispute Resolution Code: The procedural Code of the SDRCC.

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.

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

Investigation Report: A report prepared by an investigator, following an investigation, which sets out a summary of the relevant evidence, 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 14 of the CSSP.

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 13.1 of the CSSP.

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

Minor: A person under the age of 19.

Notice of Decision: The written notice provided by the CCES to the *Respondent*, *Reporting Person*, *Impacted Person* 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 10 of the CSSP.

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 violation 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 12 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 19 of the CSSP.

Remedial Resolution: A resolution agreed to by the *Respondent* and the CCES in which the *Respondent* acknowledges that they engaged in concerning 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 13.2 of the CSSP.

Report: An allegation submitted to the CCES under Rule 6 of the CSSP, that a *Participant* engaged in *Prohibited Behaviour*.

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

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

Safeguarding Panel: The Panel that is or has been appointed by the Safeguarding Tribunal of the Sport Dispute Resolution Centre of Canada (SDRCC) to hear reviews of decisions made by the CCES, pursuant to Rule 16 of the CSSP.

Safeguarding Tribunal: The division of the Sport Dispute Resolution Centre of Canada (SDRCC) that constitutes Safeguarding Panels to hear reviews of decisions made by the CCES, pursuant to Rule 16 of the CSSP.

Sport Organization: Any national sport organization, national multi-sport service organization, Canadian Sport Centre(s) and Institute(s) receiving funding from Sport Canada and that has adopted the CSSP.

Support Person: The *Reporting Person*, *Impacted Person*, *Respondent* and any witness, may be accompanied by *Support Person(s)* at any meeting or proceeding related to a resolution process under the CSSP. The *Support Person* may not provide evidence on behalf of the witness but may provide advice to the individual as appropriate. A *Support Person* may include legal counsel, parents, and personal support workers, among others.

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 is similarly committed to advancing this fundamental goal.

The Canadian Safe Sport Program 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 Canadian Safe Sport Program Rules (CSSP) address the adoption by *Sport Organizations* of the CSSP, the process by which *Reports of Prohibited Behaviour* in sport will be administered and enforced by the CCES, and the role of the Sport Dispute Resolution Centre of Canada (SDRCC) in reviewing decisions made by the CCES.

The CCES may develop and publish separate procedures and policies for 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 shall be read harmoniously to the extent possible. In the event of a conflict between the CSSP and the UCCMS, the CSSP will prevail, except in respect of UCCMS Section 5 (*Prohibited Behaviours*) and the definitions of *Prohibited Behaviours* in the UCCMS, which shall prevail over any conflict with the CSSP.

RULE 2 GENERAL PRINCIPLES AND COMMITMENTS

2.1 Commitments

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) Is accessible to *Participants* with disabilities;
- e) Recognizes participatory rights of the *Reporting Person* and/or *Impacted Person* in the CSSP process;

- f) Recognizes the importance of proportionality and efficiency in responding to, and determining, *Reports of Prohibited Behaviour*; and
- g) Recognizes the importance of timeliness in responding to, and resolving or otherwise determining, *Reports of Prohibited Behaviour*, with delay having potential negative implications for any one or more of the *Reporting Person*, *Impacted Person*, the *Respondent*, the sport, or other *Participants*.

RULE 3 SCOPE OF APPLICATION

3.1 CSSP Application

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

- a) the board members and employees of a *Sport Organization*;
- b) any *Athlete* that receives Athlete Assistance Program (AAP) support, part of the *Sport Organization's* national team program, or who is otherwise included in the *Sport Organization's* National Athlete Pool (NAP);
- c) any *Athlete Support Personnel*¹ who falls under a *Sport Organization's* authority who is directly involved with or provides services to a *Sport Organization's* national team program;²
- d) any other individual who competes or otherwise participates in sport under the authority of a *Sport Organization* that has adopted the CSSP and who the *Sport Organization* has designated as a *Participant* for the purpose of the CSSP in their *Adoption Contract*;³ and
- e) as designated in each *Sport Organization's Adoption Contract*, any Canadian official, judge, umpire or referee accredited by a *Sport Organization* or otherwise 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 Application to Other Individuals at Events

- 3.2.1 Individuals who are not already identified as *Participants* and who are registered for and/or participating in events that are designated in each *Sport Organization's Adoption Contract* are subject to the terms of the UCCMS and CSSP while participating at those

¹ *Athlete Support Personnel* are defined in the CSSP as: 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.

² National team program shall include all levels of a *Sport Organization's* national team including, without limitation, a senior national team, national training squads, a development national team and a junior national team.

³ Such individuals may include, without limitation, *Sport Organization* contractors, committee members, etc.

designated events and will provide written consent to the application of the UCCMS and CSSP as part of the event registration process. Such individuals may include:

- a) any *Athlete* who competes at a National Championship, or any other national-level event, or is otherwise a member of a team participating in a national-level multi-sport event under the authority of a *Sport Organization*;
- b) any *Athlete* who competes for Canada at the international level;
- c) any *Athlete Support Personnel* who participates at a National Championship, or any other national-level event, or is otherwise part of a team participating in a national-level multi-sport event under the authority of a *Sport Organization*;
- d) any *Athlete Support Personnel* who is part of a team participating for Canada at the international level.

3.2.2 For such individuals, the CSSP shall only apply for the duration of their participation in the designated events.

3.3 Contexts in which the CSSP Applies

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

- a) Within a *Sport Organization's* environment⁴ (including the online/virtual environment⁵); or
- b) When the *Participant* alleged to have committed a *Prohibited Behaviour* was engaging in a *Sport Organization's* activities;

3.3.2 The CSSP may also apply when the *Prohibited Behaviour* occurs in any one or a combination of the following situations:

- a) When the *Participant(s)* involved interacted or were known to each other due to their mutual involvement in a *Sport Organization's* activities; or
- b) Outside of a *Sport Organization's* environment and activities (including in an online/virtual environment) where the *Prohibited Behaviour* has:
 - i) a serious and detrimental impact on another person; and/or
 - ii) could undermine the integrity of sport or bring the Canadian sport system into disrepute.

3.3.3 When determining whether the CSSP applies, the physical or online/virtual location(s) where the alleged *Prohibited Behaviour* occurred is not determinative.

⁴ The environment and activities of a *Sport Organization* includes, without limitation, offices, training facilities, hotels and vehicles during team travel, and locations where there are team (sanctioned and unsanctioned) events or gatherings.

⁵ The online environment for the purposes of Rule 3.4 includes, without limitation, chats, blogs, videos, stories, texts, emails, phone calls/voice memos, apps, and any other social media, digital communications and telecommunications.

3.4 Application to Conduct that Predates the CSSP and the UCCMS

Prohibited Behaviour under the CSSP includes conduct that occurred prior to the UCCMS and CSSP coming into force, if the conduct was prohibited by the relevant sport organization's policies and procedures in place at the time the *Prohibited Behaviour* occurred and would constitute *Prohibited Behaviour* under the UCCMS.

3.5 Application to *Participants* at the Time the Conduct Occurred

The CSSP applies to persons who have retired from a *Sport Organization* and/or its sport (or who are otherwise no longer affiliated with the *Sport Organization*) provided they were *Participants* at the time the alleged conduct occurred.

RULE 4 CSSP ADOPTING SPORT ORGANIZATIONS

4.1 Board Adoption

The CSSP shall be expressly accepted and adopted by each *Sport Organization* in compliance with their governing documents, 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 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 by the CCES, which may result in the *Sport Organization* being non-compliant with any 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 of the *Adoption Contract*.
- b) A requirement that the *Sport Organization* approve and accept the CSSP through its 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 by all *Participants* in accordance with the *Adoption Contract*;
 - ii) every *Participant* is made aware that they are subject to the CSSP; and

- iii) every *Participant* (or their parent/guardian) has signed the UCCMS/CSSP *Consent Form*.
- e) A requirement that the *Sport Organization* shall recognize and enforce all *Provisional Measures* per Rule 12 and sanctions as determined by the CCES or by a Tribunal of the SDRCC per Rules 13 through 17 of the CSSP.

RULE 5 JURISDICTION OF THE CCES

5.1 Mandatory Jurisdiction

The CCES shall assume jurisdiction over all *Reports of Prohibited Behaviour* covered by the UCCMS and CSSP, in accordance with CSSP Rule 3 and Rule 5.

5.2 Where the CCES Will Not Assume Jurisdiction

5.2.1 The CCES will not assume jurisdiction over a *Report* where:

- a) The *Report* does not contain allegations relating to a *Participant* or *Sport Organization*;
- b) The *Report* does not contain allegations of *Prohibited Behaviour*; and/or
- 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.

5.2.2 The CCES may not assume jurisdiction over a *Report*:

- a) Where the *Report* involves alleged conduct that due to circumstances outside of the control of the CCES, such as the passage of time, the CCES is not able to address or investigate; and/or
- b) In accordance with Rule 3.4.

5.2.3 Where the CCES is determining jurisdiction, the CCES may consult with the *Reporting Person*, to request information and/or address possible gaps in information.

5.2.4 Where the CCES determines that it does not have jurisdiction or will not exercise jurisdiction, the CCES will notify the *Reporting Person* in writing with the reasons for the decision. This decision is final and binding and cannot be reviewed or appealed to the SDRCC.

5.2.5 The CCES may refer or direct *Reports* over which it has no jurisdiction, to the *Sport Organization*, in coordination with, or with prior notice to, the *Reporting Person*.

5.3 No Limitation Period

For greater clarity, and subject to Rules 3.4 and 5.2.2(a), there is no limitation period for making a *Report* to the CCES. The CCES recognizes that *Impacted Persons* or *Reporting Persons* 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 CCES may not assume jurisdiction and the *Report* may be closed.

5.4 Coordinating with *Sport Organizations*

In certain circumstances, such as under employment or occupational health and safety laws, *Sport Organizations* may have an independent legal duty to investigate or respond to a *Report* involving employees of the *Sport Organization*. *Sport Organizations* must work with the CCES to avoid duplicative processes and to protect the integrity and timeliness of the CSSP process.⁶

RULE 6 REPORTS

6.1 Who can Submit a *Report of Prohibited Behaviour*

Any individual or organization may submit a *Report of a Prohibited Behaviour*.

6.2 Reports May be Made by *Minors*

6.2.1 *Reports* may be brought by a *Minor*.

6.2.2 *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. The CCES may determine that the CCES must disclose information to the parent/guardian that a *Report* was made.

6.2.3 In deciding whether a *Minor's* parent/guardian must be notified of a *Report*, the CCES will assess factors such as the alleged *Prohibited Behaviour* (e.g. sexual abuse, grooming, boundary transgressions), the role of the *Respondent* in sport (e.g. being in a position of trust or authority), the age of the *Minor*, and the decision-making capacity of the *Minor* submitting the *Report*.

6.2.4 Where the CCES determines that it will contact a parent/guardian under the CSSP, the CCES will make reasonable efforts to first notify the *Minor* prior to contacting the parent/guardian.

6.2.5 A *Minor* may choose to withdraw their *Report*. The CCES may still proceed with the *Report* as an anonymous *Report*. Where there is a requirement to report to child welfare or other authority, or an overriding concern for the welfare of the *Minor*, the CCES will notify the appropriate authorities and/or the parent/guardian of the *Minor*.

6.3 Format for *Reporting*

6.3.1 *Reports* should be made through the CCES reporting platform (online or telephone hotline). Where a *Reporting Person* is unable or is not comfortable using the reporting platform, a CCES representative will support the *Reporting Person* in providing the information relevant to the *Report* to the CCES.

⁶ The *Sport Organization* may, under the applicable legislative regime, seek to designate the CCES as the investigator for any workplace complaint where a *Participant* is alleged to have engaged in *Prohibited Behaviour*. CCES shall consider all such requests in good faith, having regard to the nature of the incident and whether serving in this capacity conflicts with or risks undermining the purposes or provisions of the CSSP.

6.3.2 In order for the CCES to process the *Report* efficiently and effectively, the *Report* should, to the extent possible, include the following information:

- a) Name and contact information of the individual reporting the *Prohibited Behaviour* (the *Reporting Person*) and their *Sport Organization*, if applicable.
- b) Name of the individual or individuals alleged to have 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 *Reporting Person* is reporting *Prohibited Behaviour* experienced by individual(s) other than themselves, the name(s) of those individual(s), unless they are not known to the *Reporting Person*.
- d) A summary of the incident(s) or behaviour alleged.
- e) Whether or not a *Report* regarding the conduct has been made to the local police or other authorities, including child welfare services, if known.
- f) An indication if there is any urgency associated with the *Report*.

6.4 Requests to Keep Identifying Information Confidential

6.4.1 A *Reporting Person* may request that their personal identifying information or the personal identifying information of any *Impacted Person*, not be shared with a *Respondent(s)* or a *Sport Organization(s)*. The CCES will seek to honour the *Reporting Person's* request if it is reasonably possible to do so while also protecting the health and safety of the *Reporting Person*, *Impacted Person* or others; and while administering a process that is procedurally fair.

6.4.2 Where the CCES determines that the identity of the *Reporting Person* or *Impacted Person* must be disclosed to the *Respondent*, the *Reporting Person* and/or *Impacted Person* will be given notice and will be provided the option of not proceeding with the *Report*.

6.5 Anonymous Reports

Any individual may submit an anonymous *Report*, meaning that their name and any identifying information are not shared with the CCES. The CCES will endeavour to move forward with 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 *Reporting Person* or *Impacted Person* from submitting a subsequent *Report* in the future.

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

All report of *Prohibited Behaviour* against *Participants* should be made directly to the CCES. Where a *Sport Organization* receives a report (i.e. sharing of information for the purposes of a *Sport Organization* taking action or where the *Sport Organization* has a duty to act under the

UCCMS) pertaining to a *Participant of a Sport Organization*, they must immediately refer the matter to the CCES via the appropriate online form.

RULE 7 RESPONDING TO A REPORT

7.1 Responding to a *Report of Prohibited Behaviour*

Respondents may, but are not required to, provide a written response to a *Report* within fifteen (15) days following receipt of a *Notice of Report* under Rule 10.2, including for the purpose of providing information relevant to the CCES's assessment of any *Provisional Measures* and resolution procedures under Rule 13.

7.2 Where the *Respondent* is a *Minor*

7.2.1 Where a *Respondent* is a *Minor*, the CCES will provide *Notice of the Report* to the *Respondent's* parent/guardian.

7.2.2 A response to a *Report* by a *Minor* will not be rejected by the CCES on the sole basis that it was submitted by the *Minor* and not their parent/guardian.

7.2.3 The CCES may determine that the CCES will disclose the response or the information in the response to the parent/guardian, including having regard to factors such as the nature and circumstances of the alleged *Prohibited Behaviour*, the role of the *Respondent* in sport and the age of the *Minor*.

7.3 Response to a *Report*

A response to a *Report* may contain, among other information, a summary of the response to the incident(s) or *Prohibited Behaviour* alleged, any documentation supporting the *Respondent's* position, the *Respondent's* views on the appropriate resolution of the *Report* under Rule 13, and an indication of whether there is any urgency associated with the *Report* or the CCES's process in response to the *Report*.

RULE 8 COORDINATING WITH OTHER AUTHORITIES

8.1 Reports Made to Other Authorities

If a report to police, child protection services and/or another law enforcement or regulatory 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 *Impacted Person* and/or *Reporting Person* and others. This can include imposing *Provisional Measures* and/or proceeding with the CCES's process under the CSSP pending ongoing police or other processes.

8.2 Sharing Information with Other Authorities

Upon receipt of a *Report*, the CCES will determine whether the CCES has a legal duty to report, in accordance with applicable reporting legislation (e.g. child welfare legislation or to professional regulatory bodies). If a legal duty to report exists, the CCES will inform the *Reporting Person* and/or *Impacted Person* 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 legal duty to report, the CCES will exercise its duty to report without delay upon receipt of the relevant information.

RULE 9 CONFIDENTIALITY AND PRIVACY

9.1 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.

9.2 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 reasonably necessary, with the CCES staff involved in administering the *Report*, the *Reporting Person* and/or *Impacted Person*, the *Respondent*, witnesses, investigators, legal counsel, the SDRCC (where there is a mediation, review or appeal), and other persons with information relevant to the CCES's administering of the *Report*. In this regard, it may also be necessary for the CCES to provide information to a *Sport Organization* for the purposes only of administering the *Report*, with such information including but not limited to:

- a) a *Notice of Report* involving a *Participant* from that *Sport Organization*;
- b) notice if the CCES imposes a *Provisional Measure* under Rule 12;
- c) procedural status updates; and/or
- d) any sanctions imposed.

The CCES may also share information within the CCES that is relevant to other sport policies or codes of conduct under the jurisdiction of the CCES, such as the Canadian Anti-Doping Program (CADP) or relating to competition manipulation.

9.3 Identity of Reporting Person and/or Impacted Person Shared Only as Necessary with Sport Organization

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

9.4 No Retaliation

For greater clarity, any improper sharing of information or retaliation arising from a *Report* is prohibited.

9.5 Compliance with Privacy Legislation

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.

9.6 Confidentiality Obligations of Parties and Witnesses in a CSSP Process

- 9.6.1 *Reporting Persons* and/or *Impacted Persons*, *Respondents*, witnesses and/or other person(s) involved in a CSSP 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*.
- 9.6.2 During the course of a CSSP process, Rule 9.6.1 does not prevent *Reporting Persons*, *Impacted Persons*, *Respondents*, or witnesses from confidentially speaking to legal counsel, health care providers or *Support Persons*, subject to any direction by the CCES, provided these persons maintain the confidentiality of the information shared.
- 9.6.3 Documents created in the course of a CSSP 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* or mediation under Rules 13.1 to 13.4, and notices or decision letters issued by the CCES, are confidential and must not be disclosed outside of the CSSP or the SDRCC, except as required by law or authorized by the CCES, the *Safeguarding Panel* or *Appeal Panel* of the SDRCC or as permitted by Rule 9.6.2.
- 9.6.4 Any violation of Rule 9.4 and 9.6.1 to Rule 9.6.3 may give rise to an investigation and sanction under the CSSP or UCCMS Section 5.13(f).
- 9.6.5 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, nothing in this Rule prevents a *Reporting Person*, *Impacted Person*, *Respondent* or witness, from speaking about their own lived experiences, including their experiences participating in the CSSP process or the outcome, subject to the ongoing confidentiality requirements of Rules 9.6.1 and 9.6.3, including and in particular confidentiality with respect to the identity of the *Impacted Person* and/or *Reporting Person*, as applicable. For greater clarity, nothing in this Rule protects any person who shares information from the operation of defamation or other applicable laws.

9.7 Information on the *Public Registry* is Not Confidential

Information that is on the *Public Registry* is public and not confidential for the purposes of Rule 9 and Rule 19.5.

RULE 10 INITIAL PROCESSING OF REPORT

10.1 Confirmation of Report by Reporting Person

After the CCES determines it has jurisdiction over a *Report*, it will make reasonable efforts to confirm the allegations with the *Reporting Person* within fourteen (14) days of receipt of the *Report*. The CCES may also, in its discretion, proceed with the *Report* in the absence of confirmation by a *Reporting Person*. This deadline may be extended by the CCES if additional information gathering is required before the *Report* can be confirmed. If additional information as deemed necessary by the CCES is not forthcoming on a timely basis, the CCES may close the *Report* with the possibility that the *Report* will be re-opened when the additional information is available or provided.

10.2 Notice to the Respondent

Within seven (7) business days of the allegations being confirmed by the *Reporting Person*, 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 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 violated, as applicable;
- b) the particulars of the allegations;
- c) the *Reporting Person* and/or *Impacted Person* involved (unless unknown or identifying information has been withheld under Rule 6.4);
- d) an outline of next steps; and
- e) a reminder of the confidentiality of the process set out under Rule 9.

The CCES may, in its discretion, extend the timeline for delivery of the *Notice of Report* to the *Respondent* beyond seven (7) business days, having regard to the integrity of the investigation, the safety of the sport community, the rights and interests of the *Reporting Person*, *Impacted Person* and *Respondent*, and the principles of procedural fairness.

10.3 Notice to the Sport Organization

10.3.1 When the *Notice of Report* is sent to the *Respondent*, the CCES will also inform the *Sport Organization* of the *Report*, including the name of the *Respondent*. Where the *Respondent* is a *Participant* of multiple *Sport Organizations*, the CCES will report to each applicable *Sport Organization*.

10.3.2 In accordance with Rule 6.4, the notice to the *Sport Organization* shall not include the name of the *Reporting Person* and/or *Impacted Person*, unless this information is reasonably necessary to protect that individual or other *Participants*.

10.3.3 To the extent reasonably possible, the CCES will obtain the consent of the *Reporting Person* or *Impacted Person* prior to providing their names to the *Sport Organization*. In any event, the *Reporting Person* and/or *Impacted Person* will be notified in advance if

the CCES provides the identifying information of the *Reporting Person* and/or *Impacted Person* to the *Sport Organization*.

10.3.4 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.

10.4 Consolidation

Where multiple individuals or organizations bring the same or similar *Reports* against the same *Respondent(s)*, or where one or more *Reporting Person* makes a *Report* involving multiple *Respondents*, the CCES may consolidate the *Reports*.

10.6 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 13.1 to 13.5. In determining the appropriate resolution procedure(s), the CCES will consider any information provided by the *Reporting Person* and/or *Impacted Person* or *Respondent*, including any response to the allegations provided by the *Respondent* under Rule 7. Where the CCES determines it is appropriate, the CCES may initiate a resolution procedure prior to receiving information or submissions from the *Reporting Person* and/or *Impacted Person* or *Respondent*, if any.

RULE 11 PROCEDURAL ORDERS

11.1 Flexibility to Adjust Timelines

The CCES may, in its sole discretion, expedite or adjust as necessary the timelines for the steps and procedures in the CSSP, as appropriate in the circumstances, consistent with the principles and goals of the UCCMS and CSSP, except for time limits to file a review or appeal to the SDRCC.

11.2 Procedural Orders

In order to ensure the efficient, timely and fair processing and resolution of a *Report*, 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.

11.3 Consequence for Failure to Comply with a Procedural Order

If a *Respondent*, *Reporting Person*, *Impacted Person* or witness fails to comply with a procedural order, the CCES may make a decision or take a step without awaiting information, documentation or participation from the individual in question. In the context of an investigation under Rule 14, where there is a failure to comply with a procedural order, the investigation may proceed in the absence of that party's evidence and the CCES may make an order that the party shall not be permitted to introduce the evidence to the CCES following the issuance of the

Investigation Report or in any SDRCC Safeguarding Tribunal or Appeal Tribunal hearing, unless there is a compelling justification for the failure to comply. This prohibition shall not apply to fresh evidence that meets the requirements in Rule 16.4(c).

11.4 General

Where the CSSP is silent on any issue other than a review or appeal to the SDRCC, the CCES may make procedural orders or directions as required to resolve a *Report* in accordance with the commitments set out under Rule 2.1.

RULE 12 PROVISIONAL MEASURES

12.1 Provisional Measures Following a Report

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

12.2 Considerations for Imposing Provisional Measures

12.2.1 *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)* and 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 *Reporting Person* and/or *Impacted Person*;
- e) the impact of the measure on the *Respondent*; and
- f) the integrity of the investigation or other resolution process.

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

12.2.3 To assess the imposition of *Provisional Measures*, the CCES may receive submissions from or consult with relevant persons, including the *Reporting Person*, *Impacted Person* or *Respondent*. The *Sport Organization(s)* may also be consulted on whether the implementation of the *Provisional Measures* is pragmatic.

12.3 Scope of Provisional Measures

12.3.1 *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*.

12.3.2 The CCES is not responsible for assuming any costs related to the imposition of a *Provisional Measure*.

12.4 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 is subject to an order by the Safeguarding Tribunal.

12.5 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 12.2 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 five (5) 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 12.6 below.

12.6 Requests to Modify *Provisional Measures*

At any time, the *Respondent*, the *Reporting Person*, or an *Impacted Person*, may request that the CCES modify or lift *Provisional Measures* on the basis that there has been a change in circumstances, or the *Provisional Measures* are not effective or pragmatic, having regard to the factors set out in Rule 12.2. Where a *Provisional Measure* is modified or lifted, the CCES will notify the *Respondent*, *Reporting Person*, the *Impacted Person* (as applicable) and the *Sport Organization(s)*. Excessive, repetitive and duplicative requests to modify *Provisional Measures* will not be considered by the CCES.

12.7 Notification and Public Disclosure

12.7.1 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.

- 12.7.2 The CCES will also notify the *Reporting Person* and/or *Impacted Person* 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 19.
- 12.7.3 Notwithstanding Rule 12.7.2, 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 12.2. In any case where any additional sport organization is informed of the *Provisional Measures*, the CCES will notify the *Respondent* and *Reporting Person* and/or *Impacted Person*.
- 12.7.4 A *Respondent* may request a review of a CCES decision to publish *Provisional Measures* on the *Public Registry*, in accordance with Rule 12.8.3 below.

12.8 Review by Safeguarding Tribunal

- 12.8.1 Within twenty-one (21) days of the CCES issuing or amending the *Provisional Measures*, the *Respondent* may request a review by the Safeguarding Tribunal. The review will be heard by the Safeguarding Tribunal in writing by documentary review only, unless the Tribunal orders that a different form of hearing is required in the circumstances. Only a *Respondent* may request a review. No other party may seek to appeal or review a decision to impose, or not impose, *Provisional Measures*.
- 12.8.2 The Safeguarding Tribunal shall apply the standard of reasonableness, taking into account the considerations set out in Rule 12.2.
- 12.8.3 A *Respondent* may request a review of 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 12.2. A review of a posting on the *Public Registry* may be filed separately from any review of the *Provisional Measures*. The filing of a review under Rule 12.8 does not represent an automatic stay of the CCES decision to post a *Provisional Measure* on the *Public Registry*. Accordingly, such reviews should be filed at the earliest opportunity by the *Respondent* in advance of the twenty-one (21) day filing period.
- 12.8.4 The outcome of any review of a CCES decision to impose a *Provisional Measure* shall have no impact on the merits or final outcome of the case.
- 12.8.5 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 review.

12.8.6 The parties to the Safeguarding Tribunal review of a CCES decision relating to *Provisional Measures* under Rules 12.8.2 and 12.8.3 are the CCES and the *Respondent*. The *Reporting Person* and/or *Impacted Person* may provide written submissions.

12.9 Violation of *Provisional Measures*

A failure by a *Respondent* to comply with a *Provisional Measure* may be investigated by the CCES as a violation of the CSSP and the UCCMS under Rule 20 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 13 METHODS OF RESOLUTION

Prior to resolving a *Report* under any of the resolution methods set out in Rules 13.1 through 13.4, the CCES will, to the extent reasonably possible and appropriate in the circumstances, consult with the *Reporting Person* and/or *Impacted Person* and the *Respondent*.

13.1 Letters of Concern

13.1.1 At any time, the CCES may, in its sole discretion, determine that the appropriate resolution of a *Report* is the issuance of a *Letter of Concern*.

13.1.2 The CCES may issue a *Letter of Concern* to a *Respondent* (or a *Minor Respondent's* parent/guardian), where the CCES determines that the reported 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 of violation by the CCES or an admission of a violation of the UCCMS or CSSP by the *Respondent*. The *Reporting Person*, *Impacted Person* or *Respondent* may seek a review of the CCES decision, as set out in Rule 16.

13.2 Remedial Resolution

13.2.1 At any time, the CCES may resolve the *Report* by way of a *Remedial Resolution*. A *Remedial Resolution* is a voluntary, binding agreement between the *Respondent* (or their parent/guardian if they are a *Minor*) and the CCES. A *Remedial Resolution* may include safety and/or protective conditions or requirements and restrictions on participation in sport, such as those listed in Rule 12.3. A *Remedial Resolution* does not constitute a finding of violation of the CSSP or UCCMS by the CCES or an admission of a violation of the UCCMS or CSSP by the *Respondent*. The *Reporting Person* and/or *Impacted Person* may seek a review of the CCES decision, as set out in Rule 16.

13.2.2 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 Measures* which may include a provisional suspension; and
- c) investigation and possible sanction of the *Respondent* for violation of the *Remedial Resolution* under Rule 20.

13.3 Acceptance of Violation and Sanction

At any time after the assumption of jurisdiction, the *Respondent* may acknowledge that some or all of the reported behaviour(s) violated the UCCMS or CSSP and accept responsibility and a sanction. The CCES will consider and determine the appropriate sanction having regard to the information gathered in the reporting process, the circumstances surrounding the *Respondent* and the alleged behaviour, and the views of the *Reporting Person* and/or *Impacted Person* and *Respondent*. 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 Violation 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. The *Reporting Person* and/or *Impacted Person* may seek a review of the CCES decision, as set out in Rule 16.

13.4 Mediation

13.4.1 At any time following the assumption of jurisdiction, the CCES may determine that mediation is appropriate and direct that a mediation be facilitated by a mediator appointed by the SDRCC and conducted in accordance with SDRCC procedures. The parties may also request mediation, which request may be approved or denied by the CCES as appropriate to each case. In determining whether to direct the parties to mediation, the CCES may consider the nature of the allegations, any power imbalance between the parties, and the views and safety of the parties.

13.4.2 Minutes of Resolution

Resolutions under this Rule are agreed to and signed by the *Reporting Person* and/or *Impacted Person*, and the *Respondent* and must be approved by the CCES. The CCES approval of the Minutes of Resolution is to ensure that the resolution is consistent with the UCCMS and CSSP. The CCES may be consulted by the mediator during the mediation, on whether proposed resolutions may be reasonably approved by the CCES. Mediated resolutions are final and binding and cannot be appealed by any party. Minutes of resolution may be amended on consent of the parties and approval of the CCES.

13.4.3 Consequences for Violation of Minutes of Resolution

A *Respondent* or *Reporting Person* and/or *Impacted Person* who violates a term of the Minutes of Resolution may be subject to investigation and sanction by the CCES, including under Rule 20.

13.5 Formal Resolution

A formal resolution involves:

- a) an investigation of the *Report*, in which findings of fact and findings of credibility are made by an investigator under Rule 14;
- b) a decision by the CCES on whether the *Respondent* engaged in conduct that violated the UCCMS/CSSP under Rule 15; and
- c) if a violation is established, a sanction, as appropriate.

RULE 14 INVESTIGATION

14.1 Appointment and Role of Investigator

At any time after assuming jurisdiction, the CCES may appoint an investigator to investigate the reported *Prohibited Behaviour*. Investigations will be proportionate to the allegations, consistent with Rule 2.1. Investigators shall have experience or expertise in trauma-informed practice, procedural fairness, to the extent reasonably possible, and the subject area of the *Report* (e.g., sexual or psychological maltreatment or accessibility or discrimination against persons with disabilities). The investigator will generally interview the parties and witnesses and collect evidence. The investigator may request the production of relevant documents, such as texts, emails or other social media or recorded evidence. Failure by a party to produce relevant documents requested by the investigator may result in an adverse inference being drawn. The investigator's role is to make findings of credibility and findings of fact, on a balance of probabilities.

14.2 Rights of *Reporting Person* and/or *Impacted Person* and *Respondent* in the Investigation

The *Reporting Person* and/or *Impacted Person* and the *Respondent* will have an opportunity in the investigation to submit information and relevant evidence and identify witnesses who may have relevant information. 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 *Reporting Person* and/or *Impacted Person* will be provided with the substance of any relevant evidence and an opportunity to respond.

14.3 Timeline for Investigations

Investigations should be completed within seventy-five (75) days of the appointment of the investigator. Procedural orders under Rule 11 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 where other circumstances so warrant.

14.4 Role of *Support Persons*

The *Reporting Person*, *Impacted Person*, *Respondent* and any witness may be accompanied by *Support Person(s)* at any meeting or proceeding related to an investigation. The *Support*

Person(s) may not provide evidence on behalf of the party or witness but may ask procedural questions and provide advice to the person they are supporting.

14.5 Relevance

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 shall be guided by the law under s. 276 of the *Criminal Code* (as amended).

14.6 Participation in Investigation

14.6.1 *Participants* must act in good faith and cooperate throughout any investigation.

14.6.2 If a *Reporting Person* or *Respondent* declines to cooperate with or participate in an investigation on the timelines set out in these rules, the CCES may proceed in their absence, on the basis of the available information at that time.

a) Where the *Reporting Person* and/or *Impacted Person* does not participate, this may mean that the CCES's ability to investigate the allegations will be limited and the CCES may choose to close the file due to an absence of evidence.

b) Where the *Respondent* or, as applicable, any other witness, does not participate prior to the issuance of the *Investigation Report*, including the *Respondent's* testimonial or documentary evidence, the 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, except in accordance with Rule 16.4(c). An investigator may also draw an adverse inference from the *Respondent's* or other witness' failure to participate.

14.7 Investigation Report

At the completion of the investigation, the investigator shall deliver an *Investigation Report* to the CCES. The *Investigation Report* will set out a summary of the relevant evidence, 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 to any further investigation, as appropriate.

14.8 Acceptance of the Investigation Report

The CCES will accept the findings of fact by the Investigator and will make decisions under Rule 15 on the basis of these findings of fact.

RULE 15 DETERMINATION OF THE REPORT BY THE CCES

15.1 Delivery of Investigation Report to the Reporting Person and/or Impacted Person and Respondent

Within five (5) business days of the CCES's receipt of the final *Investigation Report*, the CCES shall provide to the *Reporting Person* and/or *Impacted Person* and the *Respondent*, a copy of the *Investigation Report* along with, as appropriate to the case and each party and as reasonably

necessary to meet the requirements of procedural fairness, any attachments or exhibits to the *Report*, which may be redacted of identifying and/or private information, on a confidential basis.

15.2 Opportunity to Make Written Submissions

Within ten (10) days of the *Investigation Report* being provided by the CCES to the *Reporting Person* and/or *Impacted Person* 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 violation of the UCCMS or CSSP;
- b) the appropriate sanction (if any) based on the findings made in the *Investigation Report*;
- c) the rebuttal of any presumed sanctions under the UCCMS;
- d) the impact of the *Prohibited Behaviour* as found by the investigator, on the *Reporting Person* or *Impacted Person*; and
- e) any submission that the investigation was not procedurally fair in accordance with the criteria for procedural fairness set out in Rule 16.4.

15.3 Decision by the CCES

Following receipt of written submissions under Rule 15.2, 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 makes a finding as to whether the *Respondent* engaged in *Prohibited Behaviour* in violation 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's decision under 15.3(a)-(c) above, by way of *Notice of Decision*, which will include the reasons for the decision by the CCES.

15.4 Notice of Decision is Confidential

The *Notice of Decision* will be provided to the *Respondent*, *Reporting Person* and/or *Impacted Person* and the relevant *Sport Organization(s)*, anonymized or redacted of private or identifying information related to the *Reporting Person* and/or *Impacted Person* 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 19.

RULE 16 REVIEW BY THE SAFEGUARDING TRIBUNAL

16.1 CCES Decisions that may be Reviewed

A review by the Safeguarding Tribunal is available where:

- a) The *Reporting Person*, *Impacted Person* or *Respondent* request a review of a decision by the CCES under Rules 13.1, 15.3(b) and 15.3(c);
- b) The *Reporting Person* and/or *Impacted Person* request a review of a *Remedial Resolution* or a Voluntary Acknowledgment and Acceptance of Sanction agreement between the CCES and the *Respondent* under Rules 13.2 and 13.3;
- c) A *Respondent* requests a review under Rule 12.8.

Apart from the rights to review outlined in this section and expressly stated elsewhere in the CSSP, all decisions and orders made by CCES (including investigators or decision-makers retained by the CCES) pursuant to the CSSP are final and binding, and no party shall have any other right to review or appeal any such decisions or procedural orders.

16.2 Timeline to Request a Review

A request to review a CCES decision or agreement subject to review, as set out in Rule 16.1, must be made to the Safeguarding Tribunal within twenty-one (21) days from the date that notice of the CCES decision is deemed to have been sent to the party seeking a review, in accordance with Rule 23.

16.3 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 *Reporting Person* and/or *Impacted Person* or the *Respondent* in accordance with Rule 16.4.

16.4 Grounds to Review a Finding of Fact or Violation

A review of a decision by the CCES that the *Respondent* did or did not violate 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 violated, 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 violation and sanction that may apply.
- c) Fresh evidence relevant to the allegations and the findings made in the *Investigation Report* and/or *Notice of Decision*, 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.

For greater clarity, fresh evidence in this section may not be admitted where the evidence was available with the exercise of due diligence and, absent compelling justification, was not produced following a procedural order made under Rule 11.

16.5 Grounds to Review a *Letter of Concern* or *Remedial Resolution*/Acceptance of Violation

16.5.1 Where the CCES resolved a *Report* under Rules 13.1 to 13.3, the sole ground for review 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.

16.5.2 Where the CCES resolved a *Report* under Rules 13.1 to 13.3 following the completion of an *Investigation Report*, a review of the reasonableness of the resolution may include that the resolution is inconsistent with, or not supported by, the findings contained in the *Investigation Report*.

16.6 Grounds to Review a Sanction

A *Reporting Person*, *Impacted Person* or *Respondent* may seek a review of sanction imposed by the CCES on the basis that it is unreasonable having regard to the purposes of sanction under UCCMS Section 7.4.

16.7 Parties

The parties to a hearing before the Safeguarding Tribunal under this Rule are the *Respondent*, *Reporting Person* and/or *Impacted Person* and the CCES.

16.8 Production of Documents to the SDRCC and the parties

16.8.1 Where a *Reporting Person*, *Impacted Person* or the *Respondent* requests a review of a decision under Rule 15.3.b) or 15.3.c), the CCES shall file with the Safeguarding Tribunal:

- a) the *Investigation Report* and any other documents or exhibits/attachments to the *Investigation Report* relied on by the CCES in making its decision;
- b) the submissions provided to the CCES under Rule 15.2; and
- c) the submissions and/or evidence on sanction provided to or gathered by the CCES.

16.8.2 To the extent the documents above are different than those already produced to each of the parties by the CCES in the investigation, the Safeguarding Tribunal may make orders with respect to the scope of production of documents to the parties to meet the requirements of procedural fairness.

16.9 Form of Hearing

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

16.9.2 In the limited cases where the Safeguarding Tribunal may determine that there is a basis to hear evidence from witnesses, no party may directly question any other party or witness. The form of the hearing, and the protections for *Minors* and vulnerable witnesses/parties in any such hearing, shall otherwise be governed by the SDRCC Code.

16.10 Powers of the Safeguarding Tribunal

The Safeguarding Tribunal may:

- a) Uphold the decision made by the CCES;
- b) Vary the decision made by the CCES under Rule 15.3.c) and substitute its own decision on violation and/or sanction in accordance with UCCMS Section 7 and the facts before it;
- c) Vary the decision made by CCES under Rule 15.3.b);
- d) Set aside the Investigation Report and direct that the CCES undertake a new investigation;
- e) In exceptional cases, stay the Report in accordance with the principles of procedural fairness;
- f) Set aside the resolution of a Report based on a Letter of Concern under Rule 13.1, a Remedial Resolution under Rule 13.2, or an Acceptance of Violation and sanction under Rule 13.3, on the basis that it is unreasonable;
- g) Where the CCES has resolved a Report under Rules 13.2 or 13.3 prior to investigation under Rule 14, the Safeguarding Tribunal may set aside the resolution and order the CCES to conduct an investigation under Rule 14; and/or
- h) Issue directions for any further steps required for the efficient and timely resolution of a *Report*, as may be required and appropriate in the circumstances.

16.11 Decisions of the Safeguarding Tribunal Anonymized

- 16.11.1 Where a *Respondent* is a *Minor*, their name and identifying information will be anonymized or redacted in any Safeguarding Panel decision, including where the *Minor Respondent* has been found to have violated the UCCMS or CSSP.
- 16.11.2 The names and identifying information of the *Reporting Person* and *Impacted Person* will be anonymized or redacted in any Safeguarding Panel decision.
- 16.11.3 The name and identifying information of the *Respondent* is public (unless otherwise determined by the Safeguarding Tribunal), except in decisions where the *Respondent* is not found to have violated the UCCMS/CSSP.
- 16.11.4 The names and identifying information of the *Reporting Person* and/or *Impacted Person* and *Respondent* may be published by the SDRCC with the individual's consent.

RULE 17 APPEAL OF SANCTION

17.1 Appeal to Panel of the Appeal Tribunal of the SDRCC

- 17.1.1 The *Respondent*, *Reporting Person* and/or *Impacted Person*, or the CCES, may appeal a sanction decision of the Safeguarding Tribunal to a Panel appointed by the Appeal Tribunal of the SDRCC. To appeal a decision on sanction, the appealing party must have participated in the Safeguarding Tribunal hearing. All other decisions of the Safeguarding Tribunal are final and binding and are not subject to appeal or review.
- 17.1.2 An appeal of a sanction decision shall be made within thirty (30) days of the issuance of the Safeguarding Panel's decision on sanction.
- 17.1.3 An appeal of a Safeguarding Panel decision on sanction shall take the form of a judicial review. The Appeal Panel shall apply a standard of reasonableness.
- 17.1.4 The responding parties to an appeal of a Safeguarding Panel decision on sanction are the parties to a Safeguarding Tribunal hearing under Rule 16, irrespective of whether they participated in the Safeguarding Tribunal hearing.
- 17.1.5 The Appeal Panel may uphold, increase, decrease or remove any sanction imposed by the Safeguarding Panel.

RULE 18 PRIOR HISTORY

18.1 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.

18.2 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, any Acceptance of Violation and Sanction by the *Respondent* under Rule 13.3 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 12.2;
- b) the appropriate means for addressing a *Report* (whether by way of *Letters of Concern, Remedial Resolution, Acceptance of Violation and Sanction, Mediation* or Formal Resolution) under Rule 13; and
- c) the appropriate sanction under Rules 15, 16 and 17.

RULE 19 PUBLIC REGISTRY

19.1 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 violation (without identifying the *Reporting Person* and/or *Impacted Person*) and the restrictions imposed.

19.2 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. If a finding of violation or a sanction is being reviewed or appealed, the *Public Registry* will include a notation to this effect.

19.3 When *Provisional Measures* Will Be Posted on the *Public Registry*

19.3.1 *Provisional Measures* are protective and imposed while investigations into alleged violations of the UCCMS are ongoing. They are not indicative of a violation or admission of a violation. *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*.

19.3.2 There is a presumption that a suspension or restriction on participation in sport imposed on persons other than those set out in Rule 19.3.1 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 12.2.

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

19.3.4 For *Provisional Measures* that do not involve any suspension or restriction on participation in sport, there shall be no publication on the *Public Registry*.

19.4 *Minor Respondents*

Sanctions and provisional measures involving *Minor Respondents* will not be posted on the *Public Registry*, except on a case-by-case basis as determined by the CCES taking into account the age of the *Respondent*, the principles of remediation of youth, the sensitivity of personal information, the safety of the sport community, and the need to carry out the objectives of the UCCMS and CSSP.

19.5 *CCES Database*

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

19.5.2 With the consent of the *Participant*, any *Sport Organization* may obtain information held by the CCES regarding resolutions relating to that *Participant* that were never posted on the *Public Registry* or are no longer posted on the *Public Registry*.

RULE 20 VIOLATION OF THE CSSP

20.1 *Investigation and Sanction of a Violation of the CSSP*

The CCES may investigate and sanction any *Participant* or *Sport Organization* for violation of the CSSP in addition to any violation of the UCCMS.

20.2 *Administration of a Violation*

Violations 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 violation of the UCCMS.

RULE 21 NO LIABILITY

No representative of the CCES, including but not limited to an employee, officer, agent, mediator, adjudicator, expert, dispute resolution professional, director or contractor (including, but not limited to, external investigator and legal counsel) of the CCES, shall be liable to any person or *Sport Organization* for any act or omission relating in any way whatsoever for any act done in the performance or intended performance of a duty or in the exercise or intended exercise of a power under the UCCMS or CSSP, or for any neglect or default in the performance or exercise in good faith of the duty or power.

RULE 22 RECOGNITION AND ENFORCEMENT

22.1 *Reciprocal Recognition and Enforcement*

22.1.1 If a sanction has been imposed on a *Participant*, whether by the CCES or a Safeguarding Panel or Appeal Panel, 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, with no further review or appeal.

- 22.1.2 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, including by the Office of the Sport Integrity Commissioner, 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 22.1.1.

RULE 23 COUNTING OF TIME AND DELIVERY OF NOTICES

23.1 Counting of Time

- a) 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.
- b) Where an action is to be done within a specified number of days, the days are counted by excluding the first day and including the last day.

23.2 Form of Notice to Parties, Witnesses and *Sport Organizations* in a CSSP Process

The CCES may provide *Notice of a Report* or a decision or otherwise communicate with a party, witness or *Sport Organization* in a CSSP process in one of the following ways:

- a) Email;
- b) Regular, registered or certified mail to the last known address of the person or party or their representative;
- c) Courier; or
- d) Notice to a representative, which is deemed to be notice to the *Sport Organization*, *Participant* or other individual represented.

23.3 Deemed Receipt

23.3.1 A *Reporting Person*, *Impacted Person*, *Respondent*, *Participant*, *Sport Organization*, or other individual/witness in a CSSP process is deemed to receive any notice, decision or communication that is sent by the CCES to the most recent mail or email address which has been provided to the CCES by that individual or *Sport Organization*.

23.3.2 Notice to a legal or other representative is deemed to be notice to the applicable person or organization under Rule 23.3.1.

23.3.3 Where a document or notice is sent by the CCES, receipt is deemed to have occurred when served or sent by:

- a) Regular mail, on the fifth day after the postmark date, not including weekends or holidays;

- b) Courier or registered mail, when the person sending the document receives a confirmation of delivery; or
- c) Email, on the day sent, or if sent after 5:00 PM, service will be deemed to have occurred the next day that is not a weekend or holiday.

23.4 Documents not Received

Rules 23.3.1 through 23.3.3 do not apply if the person for whom the document was intended establishes that through accident, illness or other cause beyond that person's control, that the document was not received until a later date or not at all.

23.5 Responsibility of *Participants, Witnesses, and Sport Organizations*

It is the responsibility of the *Respondent, Reporting Person, Impacted Person, Participant, Sport Organization*, or other individual/witness in a CSSP process, as well as their respective representatives, to ensure that the CCES has current contact information for that individual, organization and/or representative.

RULE 24 AMENDMENTS AND INTERPRETATION OF THE CSSP

24.1 Amendments

The CSSP may be amended from time to time by the CCES.

24.2 Effective Date

The CSSP comes into full force and effect on April 1, 2025 (the “Effective Date”).

24.3 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 French and English versions of the CSSP are equally authoritative and shall be interpreted as such.

24.4 Procedural 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.

24.5 Interpretation of Language

- a) Unless the context otherwise requires, the singular form shall include the plural form and vice versa and shall be applied to such words and expressions when used in either the singular or plural form.
- b) Unless the context otherwise requires, words importing a particular gender shall include all genders.

24.6 Application of the *Canadian Sport Dispute Resolution Code*

The rules of the SDRCC as set out in the Canadian Sport Dispute Resolution Code apply to the proceedings of the Safeguarding Panel and the Appeal Panel under the CSSP, except insofar as matters are expressly addressed in the CSSP.

24.7 Ability to retain and appoint contractors

CCES may retain, appoint and rely on legal counsel or other contractors to assist in carrying out the functions and duties relating to assessing, processing, investigating, deciding and/or otherwise resolving *Reports* under the CSSP, including but not limited to investigators, case managers, decision-makers, mediators and legal counsel.

RULE 25 REPORTS INVOLVING THE CCES

Where a *Report* is made involving an employee of the CCES, the *Report* shall be provided to a 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.