

**Canadian Centre for Ethics in Sport  
Board of Directors  
Web Conference Meeting  
Tuesday November 30, 2021  
1:00pm – 4:00pm**

**MINUTES**

Minutes have been prepared by Agenda item

**Present:**

Dr. Don McKenzie, Chair  
Jocelyn Downie, Vice Chair  
Mary Chaput  
Anne-Marie Dupras  
Christine Girard  
Peter Henschel  
Alex Ikejiani  
Akaash Maharaj  
Mona Minhas  
Tony Walby  
John Wilkinson

**Regrets:**

Dr. Connie Lebrun

**Staff:**

Paul Melia  
Doug MacQuarrie  
Karri Dawson  
Jeremy Luke  
Joanne McRae

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**1.0 Call to Order**

D. McKenzie called the meeting to order welcoming the CCES Board of Directors and staff to the November 30, 2021, Board web conference meeting.

**a) Land Acknowledgement**

A land acknowledgement was offered by D. McKenzie.

**b) Approval of Agenda and Declaration of Conflict**

J. Wilkinson moved to accept the agenda as presented. The motion was seconded by A-M. Dupras.

**Motion 21-18  
Carried**

D. McKenzie asked Board Members to disclose any conflicts of interest they might have with respect to any items on the agenda.

No conflicts of interest were declared.

### **c) Approval of Previous Minutes**

D. McKenzie presented the Minutes of the June 23, 2021, and September 8, 2021, Board of Directors' meetings.

M. Chaput moved that the Minutes of the June 23, 2021, and September 8, 2021, Board of Directors' meetings be accepted as presented. The motion was seconded by A. Ikejiani.

**Motion 21-19  
Carried**

### **d) Business Arising**

Action items raised during the previous Board meeting(s) were summarized and presented to the Board as part of the meeting materials. Some business arising items were included as part of the relevant updates within various agenda items. The business arising items identified as "ongoing" are being further developed and will be presented to the Board at a future meeting. Once an item is presented as being "completed", it will be removed from the list.

It was noted that once in-person CCES Board meetings resume, we should consider inviting a government official(s) to a meet and greet and/or a Board meeting.

Members of the Board inquired if a meeting with the new Assistant Deputy Minister of Sport, Major Events and Commemorations has been initiated. Staff indicated that a meeting has not yet been requested and that a conversation will be held with the Funding Advisory Council to further strategize on the best channels through which to approach the federal government.

## **II. Governance**

### **a) Board Self-Assessment Results**

To ensure best practices and overall board effectiveness, Members of the Board recently completed the annual Board Self-Assessment Questionnaire. During the meeting, Members received consolidated results in aggregate and tabular form. The overall results within the six general categories were positive. The Members of the Board did though suggest the following:

- Enhance the Board orientation materials.
- Create opportunities to socialize with fellow Board Members and Staff.
- Increase linguistic opportunities within Board meetings and meeting materials.
- Ensure that the Board recruitment chart is populated with qualified candidates representing diversity in gender, race, ethnicity, and skills.

Staff stated that a third-party vendor has been contracted to build an electronic board orientation kit which will be shared with the Board in the near future.

### **b) CCES Nominations Committee Report**

The CCES Nominations Committee met on October 27, 2021. The selection process of the Chair and Vice-Chair of the CCES Board was discussed. While a process has evolved over the years, the Nominations Committee felt that a formal process should be defined and documented with the

intention of having an open, transparent, and inclusive process for electing the Chair and Vice-Chair positions on the Board. This matter will be considered by the Governance committee.

In reviewing the current terms of service for Board members it was identified that two members would be completing their second terms of service in the Spring of 2022. The Nominations Committee felt that the pandemic had created extraordinary circumstances that might justify a third term of service for these two members as allowed for under the CCES ByLaws. The Nominations Committee agreed to recommend this course of action to the Governance Committee for their consideration.

### **c) CCES Governance Committee Report**

#### **1. Code of Conduct and Conflicts of Interest Policy (the “CC&CoIP”)**

Amendments to the Board-adopted CC&CoIP were suggested by CCES’ corporate legal counsel (David Lech) and, consequently, the Governance Committee for review. A recommendation to the Board for review and approval will be brought forward at a future meeting.

#### **2. Ethics Committee’s Membership**

Based on the Board-adopted Ethics Committee’s Terms of Reference and earlier Governance Committee recommendations to the Board, the Governance Committee is responsible for identifying non-Board candidates for membership on the Ethics Committee based on the following steps:

- (i) identification of non-Board candidates will involve a directed search informed by experts knowledgeable in the sector;
- (ii) self-identified candidates will be considered by both such experts and the Committee; and
- (iii) names and curriculum vitae of proposed candidates will be brought to the Board for consideration.

A subgroup of the Governance Committee is in the process of developing a work-plan for the Governance Committee’s consideration in order to implement the above-mentioned steps.

#### **3. 50/30 Challenge [The 50 – 30 Challenge: Your Diversity Advantage - Innovation, Science and Economic Development Canada](#)**

The Governance Committee has requested that CCES sign onto the 50/30 Challenge. In addition, the Governance Committee recommended to the Board (which the Board accepted) that management also be requested to engage an external consultant on an annual basis to report to the Board on CCES’ progress towards maintaining, attaining, or exceeding the 50/30 Challenge goals. The Governance Committee is now considering whether such a report would be better prepared by management (from a cost and efficiency perspective). Given this consideration, the Governance Committee has deferred scheduling its discussion regarding whether CCES should encourage others within the Canadian sport sector to the sign onto the 50/30 challenge.

#### **4. CCES By-Law No. 1**

Management has been requested to provide to CCES’ corporate legal counsel (David Lech) with the 2014 CCES By-Law No. 1 for review. Suggested amendments are to be brought back to the Governance Committee for review and, if acceptable, for recommendation to the Board for consideration and, if appropriate, adoption and approval. Such review would consider:

- (i) current legislation;
- (ii) best practices;
- (iii) norms set out in the Canadian Sport Governance Code; and

(iv) the combination of: (I) the formal recognition of the scheduled interactions between CCES and Athletes-Can representatives; and (II) observer status for a current athlete at CCES Board meetings.

#### **5. CCES' EDI\* Training (\*Equity, Diversity and Inclusion)**

The Life Work's "[Building Awareness of a Diverse Equitable, and Inclusive Workplace](#)" e-learning course is available in both French and English, takes approximately 60-90 minutes to complete, and Directors can complete it at their leisure (the access code is good for one year). Members of the Governance Committee tested the e-learning course and recommended that Members of the Board complete the course by March 31, 2022. All Board of Directors were in agreement to complete this course.

### **III. Financial Business**

#### **a) CCES Audit Committee Report**

##### **b) 2021-22 Unaudited Financial Statements**

The Audit Committee met on November 18, 2021, and reviewed the financial statements as at September 30, 2021. Sport Canada core and above reference funding is anticipated to be fully spent in accordance with the plans and forecasts for the CADP and funded Quality Sport projects. CCES continues to cover a substantial portion of personnel and program expenditures which are not funded by Sport Canada. The CCES was able to secure \$660,000 of Canada Emergency Rent Subsidy (CERS) and Canada Emergency Wage Subsidy (CEWS) income. It was reported that the subsidies are nonrepayable.

A generous surplus is currently being projected and plans are currently being developed on how to best manage the surplus.

It was reported that the CCES is on track with all statutory federal/provincial tax and other filings.

##### **c) Draft 2022-23 Budget**

In light of the 2022-26 Strategic Plan and the increases to the personnel budget due to the implementation of the Classification and Compensation Review, a preliminary high-level budget for fiscal 2022-23 was included as part of the meeting materials for the Board's review. The budget reflects anticipated Sport Canada funding and provides additional estimates based on new funds, anticipated ESE revenues and key performance measures linked to the revised CCES' Strategic Plan.

##### **d) Reserve Fund Policy Review & e) Investment Policy Review**

Members of the Audit Committee reviewed the Reserve Fund Policy and Investment Policy that were previously approved in December 2020. The Board acknowledged that no changes or amendments were needed to both policies.

J. Wilkinson moved to approve the Reserve Fund Policy as presented. The motion was seconded by A. Ikejiani.

**Motion 21-20  
Carried**

M. Chaput moved to approve the Investment Policy as presented. The motion was seconded by A. P. Henschel.

**Motion 21-21  
Carried**

## **IV. Legal**

### **a) Current Legal Issues**

No legal issues were reported.

## **V. Strategic Discussions**

### **a) Global Anti-Doping System**

The NADO Leaders met in Paris on October 25<sup>th</sup>, 2021. The purpose of the meeting was to review a draft anti-doping declaration that the group has been developing throughout the summer as a way to both acknowledge the work done under the Copenhagen Declaration and to set the direction for the group going forward. The drafting group is currently working on the next version of the declaration with a goal that the NADO Leaders be in a position to publicly release the new declaration later in 2021 or early 2022.

The WADA NADO Expert Advisory Group met on November 4<sup>th</sup>. A major focus of the discussion was on the potential WADA Governance Reform and providing a recommendation to WADA on how NADOs could be included on the WADA Foundation Board. The Group met with the WADA Governance Review Working Group and proposed two NADOs that could be added to the WADA Foundation Board. This proposal will be considered at the WADA ExCo and Foundation Board meeting in late November.

### **b) Caster Semenya Case - Intervention**

CCES applied for “intervenor status” to the European Court of Human Rights related to the Caster Semenya case. The request to intervene was granted to the CCES in early September. The CCES chose to intervene on the following questions:

3.1 Was there a violation of Article 14, in conjunction with Article 3 and/or 8 of the Convention, on the grounds of discriminatory treatment alleged by the applicant as a woman with a naturally higher testosterone level?

3.2 If so, what was the criterion for unequal treatment? Was there a difference in treatment between people in similar situations? Was there an objective and reasonable justification for the alleged inequality of treatment?

3.4 In sport, are there other regulations to correct certain beneficial physical characteristics (e.g. size) to ensure fairness in the competition?

With respect to questions 3.1 and 3.2, the CCES provided the Court with insights to assist the Court to undertake an ethical evaluation of the justification for the alleged inequality of treatment. A framework was presented to examine this complex issue using an ethical lens and the shared values in play (fairness, inclusion, safety).

With respect to question 3.4, the CCES provided the Court with information regarding other sport regulations related to particularly beneficial physical characteristics and efforts associated with ensuring “fairness” in a sport competition.

A copy of the intervention submission was included as part of the Board meeting materials.

### **c) Ethical Discussion – Freedom of Expression**

CCES secured the services of Dr. Francoise Baylis to develop a model to engage the sport community in an ethical discussion around of “freedom of speech” particularly as it might relate to the upcoming Beijing Olympic and Paralympic Games in 2022.

A number of factors, including the inability to host an in-person session due to the fourth wave of Covid-19 and numerous conflicts with the sport community calendar caused the cancellation of this event. Nevertheless, staff pursued this initiative with Dr. Baylis in cooperation with the COC and the CPC on how to best support and prepare athletes and teams for the upcoming Olympic Games.

Members of the Board suggested that the CCES consider issuing a public statement to outline the potential moral and human rights dilemmas that the athletes might be faced with in Beijing.

### **d) Match Manipulation**

Bill C-218, in force since August 27, 2021, amends the Criminal Code to allow single event sport betting. An observation attached to Bill C-218 recommended that the government of Canada sign on to the Council of Europe Convention on the manipulation of sports competitions.

The CCES has partnered with the COC to develop policies and resources for the sport community regarding this issue. The International Olympic Committee (IOC) has developed the IOC Code on the Prevention of the Manipulation of Competitions. The IOC is requiring that all NOCs (and their member federations) abide by this Code.

The CCES and the COC, along with a small working group of sport organizations, have created a template policy for sports that mirror the IOC Code. Educational materials have been created and a webinar took place in November to introduce the match manipulation policy template to the sport community. A small subset of organizations will implement a pilot project to implement the template policy, including educational initiatives, reporting, investigations, hearings and appeals.

CCES has met with the Canadian Football League (CFL) to discuss a possible partnership agreement whereby CCES develops a match manipulation policy for the league (based on the template policy) and administers that policy on their behalf. The CFL has expressed serious interest and the CCES has submitted a proposal in order to do so.

CCES is currently exploring other revenue generation opportunities associated with match manipulation and specifically single event sport betting. The CCES has reached out to provincial governments to inquire about grant opportunities, betting regulators and operators around partnership potential and socially responsible gambling initiatives around awareness building. Members of the Board requested to have an in-depth conversation in the near future regarding this potential initiative.

### **e) Trans Inclusion File**

CCES continues to work with Canadian Women & Sport (CWS) in order to develop a plan to guide the trans and non-binary inclusion work. A workgroup of various representatives has committed to ensure that the inclusion work is guided by values, reflected of human rights, informed by research, and includes extensive consultation.

CWS and CCES recently met with Sport Canada to share the status of the project. It was stated that the new Minister of Sport is very eager to enhance inclusion and to align the department’s work with the Government’s position.

Recently, the United Kingdom and the Premier Hockey Federation released new guidance for transgender inclusion in domestic sport.

## **f) CCES Strategic Plan**

A draft CCES Strategic Plan was included as part of the meeting materials. Following a review of the content, Members of the Board provided the following comments for consideration:

- review wording related to the proposed partnerships with betting organizations.
- consider using the language of “personal growth” as opposed to personal excellence.
- Verify that “accessibility” is added throughout the document.
- Ensure that the graphics reflect gender equality and diversity throughout the document.
- consider including the land acknowledgement in the table of contents.
- Include P. Melia’s name below the “Message From the CEO”.
- On page 12, the desired outcomes are missing under “Anti-Doping”.
- On page 15 under Corporate Commitments, possibly include a link to the fulsome descriptions from page 7.
- provide a translated copy of the Strategic Plan for next Board review.

It was noted that a five-year measurement outcome strategy document will accompany the CCES Strategic Plan and staff will report achievements to the Board according to a set objectives/indicators outlined in this document. This will also support our requirement to report on achievements to Sport Canada.

While reviewing the current draft Strategic Plan, Members of the Board requested a comparison document be prepared to show changes made since the fall presentation of the Plan to the Board. Final approval of the Strategic Plan is targeted for the end of February 2022.

## **VI. Business Briefs**

### **a) Sport Integrity**

CCES participated in a WADA Code compliance audit in March 2021. A total of twelve corrective actions were identified within the final report from WADA. Since the audit findings were reported, the CCES addressed each issue and provided a response to WADA confirming that the corrective actions have been completed.

Given the continued adjustments required to ensure all public health protocols are being followed, the primary focus for testing will remain on athletes that have qualified or have been identified as “best guess” for major Games, including the upcoming Olympic and Paralympic Games in Beijing, China.

The United States Anti-Doping Agency (USADA) reached out to the CCES to assist them with one of their results files due to a potential conflict of interest. Following a review of information, it was determined that an anti-doping rule violation had not been committed by the athlete. WADA has since taken issue with the CCES’ decision in this matter and has filed an appeal before the Court of Arbitration for Sport (CAS). CCES is currently working with USADA to respond to the WADA appeal.

### **b) Quality Sport**

The True Sport Report: What Sport Can Do 2008 has been updated by E-Alliance, the National Research Network for Gender Equity in Sport. The 2022 report will be launch in January and is designed to enable communities, policy makers, and business leaders to see the tremendous potential that lies within our community sport system and to catalyze new approaches that will put this potential to work for Canadians.

A Governance Essentials e-learning course has been developed with Sport Law for an audience of volunteer Directors at the NSO, PSO, and LSO levels. This course addresses the foundations of good governance, a director's fiduciary duty, managing conflicts and crisis, etc. The course has been updated to create a customized PDF user report at the end of the course, recording responses and confidence measures.

**c) Revenue Diversification**

For fiscal year 2021-22, the Ethical Sport Enterprises (ESE) forecasted revenues of \$1 million. It was reported that further growth has been attained and that the ESE team has adjusted their yearend projection to \$1.4 million.

**d) Executive Bureau**

The CCES insurance renewals have been completed and a contagion exclusion for operations is now in place.

It was noted that the Stratford Group Classification and Compensation review is entering its final stages toward implementing the new classification system and to update salaries accordingly. CCES has implemented an approach for role compensation based on its goal to be an employer of choice with a competitive salary established at the median salary (P50) within in the sector.

A voluntary Vaccination Status Declaration form is currently being developed for all Ottawa office staff in an effort to collect information on the current vaccination status of staff.

**e) CCES - True Sport Foundation Relationship**

It was reported that the True Sport Foundation (TSF) legal council had a discussion with CRA and indicated that the TSF would receive a response prior to the end of December 2021.

**VII. Next Meeting & Other Business**

Staff will canvass the Board in order to confirm a CCES Board meeting in March 2022.

**CCES Board In-Camera**

This portion of the agenda allowed members of the Board the opportunity to discuss items in private.

There being no further items to discuss, D. McKenzie adjourned the meeting.

Approved by the Board of Directors on:

Location: \_\_\_\_\_

Date: \_\_\_\_\_

Chair: \_\_\_\_\_

Authorized Officer: \_\_\_\_\_