



**Procedure #**

**Procedure Title      Misconduct Reporting and Resolution Procedure**

<b>Procedure Owner Division / Department</b>	Safe Sport / CEO
<b>Effective Date</b>	October 30, 2024
<b>Last Review Date</b>	October 30, 2024
<b>Applicable Laws, Regulations, or Other Identified Risks</b>	<p>Legislation*: Canadian Criminal Code, Ontario Human Rights Code, Personal Information Protection and Electronic Documents Act (Canada), Ontario Child, Youth and Family Services Act, 2017 (and similar acts in other provinces/territories)</p> <p>Industry Codes/Policies*: Canadian Centre of Ethics in Sports Canadian Anti-Doping Program, Canadian Guideline on Concussion in Sport, Canadian Olympic Committee (COC) Policy on the Management of Safe Sport Complaints, Canadian Olympic Code of Ethics, , Canadian Policy Against Doping in Sport, Canadian Sport Policy, International Skating Union (ISU) Code of Ethics, ISU Anti-Doping Rules, ISU Anti-Doping Procedures, ISU Athlete Safeguarding Policy, ISU Constitution and Regulations, ISU Medical Guide, Physical Activity and Sport Act (Canada), Universal Code of Conduct to Prevent and Address Maltreatment in Sport (UCCMS), World Anti-Doping Agency Code (WADA) and International Standards and guidelines</p> <p>*Current and as may be amended from time to time</p> <p>Risks: Strategic, Compliance, Operational, Reputational</p>



## Overview

At Skate Canada, every individual is entitled to a safe, welcoming, accessible, professional, inclusive, and respectful environment that treats individuals with respect, integrity, dignity, and fairness in support of our core values, whereby everyone is entitled to feel and know they are safe and in an environment that is free from all forms of misconduct, which includes maltreatment and other prohibited behaviours (as defined within this Procedure).

Skate Canada is firmly committed to and believes in a proactive approach to creating a Safe Sport environment. The safety and protection of everyone from all forms of misconduct in our environment is of paramount importance.

This Misconduct Reporting and Resolution Procedure (this “Procedure”) is designed to help Skate Canada take all reasonable steps to prevent any occurrence of misconduct and take every reasonable measure to promote and maintain a safe, accessible, inclusive, welcoming, professional, and respectful environment. This Procedure is used to standardize the measures and procedures to meet the obligations as set out in the National Safe Sport Program and the Misconduct Reporting and Resolution Policy (the “Policy”), ensure that individuals have a process to report misconduct, confidence that there will be no retaliation or reprisal for reports made in good faith and reports will be investigated and dealt with in a fair and timely manner, respecting the privacy of all concerned as much as possible in accordance with the Skate Canada Privacy Code, and provide for an appeal process that is clear, transparent, timely, and fair.

## Systems

Reporting and case management system managed by external third party retained by Skate Canada for complaints of misconduct for the Skate-Safe program

## Definitions

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

***abuse*** <abus> : means an act that results in harm, potential for harm, or threat of harm to a person, including of a physical, psychological, mental well-being, and sexual nature

***abuse of authority*** <abus de pouvoir> : means an improper use of a power inherent in an individual’s position to treat a person in an improper, incorrect, inappropriate, illicit, or illegal manner



***appellant*** <*appelant*> : means the complainant or respondent who initiates the appeal

***athlete*** <*athlète*> : means any person / skater who competes in the sport of figure skating at the national and/or international level as defined by Skate Canada

***athlete support personnel*** <*personnel de soutien des athlètes*> : as defined by CCES, means any coach, trainer, manager, agent, team staff, official, medical, paramedical, parent or any other person working with, treating, or assisting an athlete/skater participating in or preparing for sports competition

***Board*** <*conseil*> : pursuant to the Bylaws, means the board of directors of Skate Canada

***boundary transgressions*** <*transgression des limites*> : as defined in the UCCMS, means interactions or communications that breach objectively reasonable boundaries of a person and are inconsistent with the duties/responsibilities of the individual. Identifying a boundary transgression is dependent on context, including the age of the individuals involved and the existence of a power imbalance. It may be the case that a particular act or communication does not meet the threshold of any of the types of maltreatment but is an act or communication that is nonetheless viewed as inappropriate in the circumstances. The assessment of the behaviour should consider whether the behaviour would raise concern in the mind of a reasonable observer, what objective appears to be guiding the interaction, and whose needs are being met. Even if the act in question does not, on its own, objectively cause harm to another person, a boundary transgression is nonetheless an act that should be corrected in order to ensure the safety and security of all individuals involved in sport, recognizing that boundary transgressions are often part of the grooming process

***bullying (and/or abusive behaviour)*** <*intimidation (ou comportement abusif)*> : means an unwanted physical, verbal or psychological act, aggressive behaviour, or other objectional conduct (in person and/or online/cyberbullying) that is typically repeated over time (but may be a single serious incident) by a person, deliberately or subconsciously, that is intended to ridicule, belittle, alienate or humiliate another person, irrespective of the persons' hierarchical position with relation to the other person

***Bylaws*** <*règlements administratifs*> : means the bylaws of Skate Canada in force and effect and as may be amended from time to time



**CCES** <CCES (*Centre canadien pour l'éthique dans le sport*)> : means the Canadian Centre of Ethics in Sports, which is an independent, national, not-for-profit organization. CCES is responsible for the implementation and management of the Canadian Anti-Doping Program (CADP)

**COC** <COC (*Comité olympique canadien*)> : means the Canadian Olympic Committee, who represents Canada at the International Olympic Committee and whose purpose is to transform Canada through the power for sport. This is achieved by leading the achievement of Team Canada's podium success and advancing Olympic values across Canada

**Case Manager** <*gestionnaire de cas*> : means an appropriately qualified, external, independent, impartial, and confidential third-party person or organization with no personal ties to Skate Canada, a club/skating school, or a section retained as an external authority by Skate Canada through which an individual (with the exception of OSIC Abuse-Free Sport program signatories) may pursue the just, fair, and equitable resolution of complaints of alleged, suspected or actual misconduct reported through the Skate-Safe program

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

**CEO** <*chef de la direction générale*> : means the Chief Executive Officer of Skate Canada, a Board appointed position

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

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

**complainant** <*plaignant*> : means the individual(s) who reports an alleged, actual, or suspected violation of this Procedure and/or the Policy

**consent** <*consentement*> : as defined in the UCCMS, means the communicated voluntary agreement to engage in the activity in question, by a person who has the legal



capacity to consent. Consent regarding sexual activity is assessed in accordance with the laws of Canada, including the *Criminal Code*

***Criminal Code*** <*Code Criminel*> : means ***The Criminal Code of Canada*** (Criminal Code), R.S.C. 1985, C. C-46, in force and effect and as may be amended from time to time

***days*** <*jours*> : means working days, not including weekends and holidays

***department*** <*service*> : means a group of multiple divisions in an organization (e.g., Events and Production Services, Operations, Performance Excellence)

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

***designated athlete support personnel*** <*personnel désigné de soutien aux athlètes*> : means a coach designated by Skate Canada, integrated support staff (IST) designated by Skate Canada, Skate Canada Sectional Technical Directors, and employees of the High Performance division of Skate Canada who work with and support the national athlete pool (NAP) as part of the High Performance Program

***DSO*** <*DSR / directeur des sanctions et résultats*> : means the Director of Sanctions and Outcomes (DSO), who is the designated person broadly responsible to defend the interests of safe sport. Fully independent and reporting to the Maltreatment in Sanctions Council\*, the DSO has complete authority to impose sanctions on program signatory participants of organizations that have signed onto the Abuse-Free Sport program

*Note\*: the Maltreatment in Sanctions Council is a body constituted independently from the Office of the Sport Integrity Commissioner (OSIC) to oversee the role of the Director of Sanctions and Outcomes (DSO) as part of the independent safe sport mechanism implemented by the Sport Dispute Resolution Centre of Canada (SDRCC)*

***disclosure*** « divulgation »: The sharing of information by an individual regarding an incident or a pattern of misconduct experienced by that individual, including a breach of reasonable boundaries. Disclosure does not constitute a formal report

***discrimination*** <*discrimination*> : means behaviour, policies and/or practices that consists of actual or perceived differential, inequitable, adverse or otherwise inappropriate treatment of or impact on an individual based on one or more personal characteristic (collectively known as “protected grounds”) as established in the Ontario Human Rights Code (and similarly the prohibited grounds in the Canadian Human Rights



Act and other provinces/territories human rights codes), in force and effect and as amended from time to time, including but not limited to race, ancestry, national or ethnic origin, place of origin, citizenship, colour, indigeneity, religion, age, creed, sex, sexual orientation, gender identity or expression, family status, marital status, language, genetic characteristics, disability, record of offenses, and any other characteristic prohibited by law. Discrimination does not require an intention to cause harm.

Behaviour, policies, and/or practices specifically of benefit for certain individuals will not be considered discrimination. Discrimination does not include behaviour, policies, and/or practices rationally connected to legitimate sport objectives with the honest and good faith belief that they are reasonably necessary to accomplish the relevant objectives, provided that accommodation of the needs of a person affected would impose undue hardship on the individual that would have to accommodate those needs, considering health, safety, cost, and legitimate sport objectives.

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

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

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

**expulsion / expelled** <expulsion / expulsé> : means permanent ineligibility for reinstatement of an individual from participation, in any capacity, in any program, practice, activity, event, or competition organized or sanctioned by Skate Canada and/or its members or sections, and the individual is not eligible for reinstatement to return to the sport of figure skating in any capacity, in any program, practice, activity, event, or competition organized or sanctioned by Skate Canada and/or its members or sections

**external authority** <autorité externe> : means an independent external third-party designated and retained by Skate Canada to receive and resolve reports of misconduct.



Specifically for Skate Canada, this means the Case Manager for the Skate-Safe program and OSIC for the Abuse-Free Sport program for program signatories

***grooming*** <conditionnement> : as defined in the UCCMS, means the deliberate conduct by an individual comprised of one or several acts that, viewed objectively, either make it easier to engage in sexual maltreatment or reduce the chance that sexual maltreatment will be reported. Grooming is conduct that may precede other behaviours defined as sexual maltreatment or is carried out in conjunction with other forms of sexual maltreatment. Repeated boundary transgressions by an individual toward a minor may also be deemed to be grooming, even in the absence of deliberate intention to facilitate a sexual relationship. In assessing whether grooming has occurred, the existence of a power imbalance should be taken into account. The grooming process is often gradual and involves building trust and comfort with a person, and sometimes also with protective adults and peers around the person. It may begin with subtle behaviours that may not appear to be inappropriate but that can serve to sexualize a relationship, reduce sexual inhibitions, or normalize inappropriate behaviour. It may include the testing of boundaries (e.g., seemingly accidental touching) that gradually escalates to sexual maltreatment (e.g., sexualized touching). It is acknowledged that many victims/survivors of sexual abuse do not recognize the grooming process as it is happening, nor do they recognize that this process of manipulation is part of the overall abuse process

***harassment*** <harcèlement> : means any vexatious comment, conduct, behaviour, action or gesture that is committed, threatened or attempted against another person that is insulting, intimidating, demeaning, malicious or offensive, where the person knows or ought reasonably to know that such behaviour or comment is unwelcome, including but not limited to sexual harassment, and criminal harassment as defined in the Criminal Code, which includes prohibited conduct that causes the other person reasonably, in the circumstances, to fear for their safety or the safety of anyone known to them. See also the definition of “sexual harassment” and “bullying”

***individual*** <personne> : means a natural person, and includes without limitation past and current registrants, members, athlete support personnel, parents/guardians of skaters/athletes (including minor skaters/athletes), and program signatories (as applicable), as well as persons employed by, affiliated, or engaged in activities, events/competitions, and programs with and/or hosted by Skate Canada, including but not limited to employees of Skate Canada, officers of Skate Canada, directors of the Board of Skate Canada, members of the standing committees of the Board, members of the operating committees of Skate Canada, officers of Skate Canada, Skate Canada sections (included for the purposes of this Procedure), event volunteers, designated



athlete support personnel, alumni of Skate Canada, inductees to the Skate Canada Hall of Fame, and spectators

**IOC** <CIO (*Comité international olympique*)> : means the International Olympic Committee, which is the entity that is the guardian of the Olympic Games and the leader of the Olympic Movement and who acts as a catalyst for collaboration between all Olympic stakeholders, including the athletes, the National Olympic Committees (the COC for Canada), the International Federations (the ISU for figure skating and speed skating), Organising Committees for the Olympic Games, the Worldwide Olympic Partners, and Olympic broadcast partners. It also collaborates with public and private authorities including the United Nations and other international organisations

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

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

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

**legal advisor** <*conseiller juridique*> : means an appropriately qualified, external, independent, impartial, and confidential third-party person or organization with no personal ties to Skate Canada, a club/skating school, or a section retained by the Board to oversee the appeal review process, including a recommendation on the appeal to the Board for final decision

**legal duty to report** <*obligation légale de signaler*> : means a legal obligation to report potential abuse of an individual under the age of protection in their province or territory of residence, in accordance with applicable provincial and territorial laws

**maltreatment** <*maltraitance*> : as defined in Sections 5.2-5.6 of the UCCMS in force and effect and as may be amended from time to time, means a volitional act and/or omission that results in harm or has the potential for physical or psychological harm including without limitation psychological maltreatment; physical maltreatment;





neglect; sexual maltreatment, including sexual maltreatment of a minor and sexual harassment; and grooming

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

**membership** <adhésion> : pursuant to the Bylaws, means the status of being in one of the classes as outlined in section 3.1 of the Bylaws

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

**misconduct** <inconduite> : means a volitional act, conduct, behaviour, and/or omission that results in or has the potential for physical or psychological harm, which for the purposes of this Procedure includes without limitation (all as defined within this Procedure):

- a) prohibited behaviours\* (all as defined in the UCCMS) including
  - maltreatment\* (including psychological maltreatment; physical maltreatment; neglect; sexual maltreatment, including sexual maltreatment of a minor and sexual harassment; and grooming);
  - boundary transgressions\*;
  - discrimination\*;
  - subjecting an individual to the risk of maltreatment\*;
  - aiding and abetting\*;
  - failure to report\*;
  - intentionally reporting a false allegation\*;
  - interference with or manipulation of an investigation or disciplinary review process\*; and
  - retaliation\*;
- b) abuse;
- c) abuse of authority;
- d) bullying and/or abusive behaviour;
- e) harassment; and
- f) intimidation.

**National Sports Organizations (NSOs)** <organisme national de sport (ONS)> : as defined by Sport Canada, are the national governing bodies for a given sport in Canada. The NSO for figure skating in Canada, as recognized by Sport Canada, is Skate Canada



***neglect*** <*négligence*> : as defined in the UCCMS, means any pattern or a single serious incident of lack of reasonable care, inattention to an individual's needs, nurturing or well-being, or omissions in care. Neglect refers to the omission of adequate care and attention and is evaluated with consideration given to the individual's needs and requirements. Examples of neglect include without limitation not allowing a skater/an athlete adequate recovery time and/or treatment for a sport injury; disregarding and/or not considering an individual's physical or intellectual disability; not ensuring appropriate supervision of a skater/an athlete during travel, training or competition; not considering the welfare of the skater/athlete when prescribing dieting or other weight control methods (e.g., weigh-ins, caliper tests); disregarding the use of performance-enhancing drugs by a skater/an athlete; failure to ensure safety of equipment or environment; allowing skater's/athlete's to disregard sports rules, regulations and standards. Neglect is determined by the behaviour viewed objectively, not whether harm is intended or results from the behaviour

***Notice of Appeal*** <*avis d'appel*>: means a formal written notice served by an individual in accordance with this Procedure to the Board informing Skate Canada of their request for a review of a decision

***OSIC*** <*BCIS (Bureau du commissaire à l'intégrité dans le sport)*> : means the Office of the Sport Integrity Commissioner, which is an independent division of the Sport Dispute Resolution Centre of Canada (SDRCC), responsible to administer the Universal Code of Conduct to Prevent and Address Maltreatment in Sport (UCCMS) and the independent safe sport mechanism, including overseeing the Abuse-Free Sport complaint intake process retained as an external authority by Skate Canada for program signatories (as defined within this Procedure); conducting preliminary assessments and investigations on admissible allegations of prohibited behaviours; and maintain a database of imposed sanctions

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

***organization*** <*organisation*> : means Skate Canada, unless otherwise noted

***party*** <*partie*> : means the complainant, respondent, appellant, Skate Canada, and any other individual, persons, or as applicable, other organizations directly and/or indirectly involved in the initial / original complaint of misconduct, and in the case of an appeal, the appellant and the individual responding to the appeal

***physical maltreatment*** <*maltraitance physique*> : as defined in the UCCMS, means any pattern or a single serious incident of deliberate conduct that has the potential to be



harmful to the physical well-being of an individual, which includes, without limitation, contact and non-contact behaviours that have the potential to be harmful to a person's physical or psychological well-being. Physical maltreatment is determined by the behaviour viewed objectively, not whether harm is intended or results from the behaviour

- a) **contact behaviour** <comportements avec contact> : includes without limitation deliberately punching, kicking, beating, biting, striking, strangling, or slapping another; deliberately hitting another with objects; providing a massage or other purported therapeutic or medical interventions with no specific training or expertise
- b) **non-contact behaviour** <comportements sans contact> : includes without limitation isolating a person in a confined space; forcing a person to assume a painful stance or position for no athletic purpose; the use of exercise for the purposes of punishment; withholding, recommending against, or denying adequate hydration, nutrition, medical attention or sleep; denying access to a toilet; providing alcohol to an individual who is under the legal drinking age; providing illegal drugs or non-prescribed medications to an individual; encouraging or permitting a skater / an athlete under their authority to return to play following any injury, including after a concussion, when they knew or ought to have known that the return is premature, or without the clearance of a medical professional (Refer to the Concussion Protocol for complete details); encouraging a skater / an athlete to perform a potentially dangerous skill for which the individual knows or ought to know that the skater / athlete is not developmentally ready

**power imbalance** <déséquilibre de pouvoir> : as defined in the UCCMS, is presumed to exist where an individual has authority or control over another person, is in a position to confer, grant or deny benefit or advancement to the person, or is responsible for the physical or psychological well-being of the person. Whether an actual power imbalance exists will be determined based on the totality of the circumstances, including the subjective view of the subordinate individual. Some examples of how power may be represented include, but is not limited to, seniority, age differential, ability, physical size, public profile, sexual orientation, gender identity or expression

**President** <président> : pursuant to the Bylaws, means the chair of the Board and officer of Skate Canada

**program signatory(ies)** <signataire(s) du programme> : means designated persons named on an annual basis by the NSO (Skate Canada) as participants (as defined by the UCCMS) to the OSIC complaint management process through Abuse-Free Sport



**prohibited behaviour** <*comportement prohibé*> : means any conduct described in Section 5 of the UCCMS in force and effect and as may be amended from time to time, including but not limited to maltreatment; boundary transgressions; discrimination; subjecting an individual to the risk of maltreatment; aiding and abetting; failure to report; intentionally reporting a false allegation; interference with or manipulation of process; and retaliation

**psychological maltreatment** <*maltraitance psychologique*> as defined in the UCCMS, means any pattern or a single serious incident of deliberate conduct that has the potential to be harmful to a person's psychological well-being, which includes, without limitation, verbal conduct, non-assaultive physical conduct, conduct that denies attention or support, and/or a person in authority's pattern of deliberate non-contact behaviours that have the potential to cause harm. Psychological maltreatment is determined by the behaviour viewed objectively, not whether harm is intended or results from the behaviour

- a) **verbal conduct** <*conduit verbale*> : which includes electronic communication, means verbally assaulting or attacking someone, including without limitation: unwarranted personal criticisms; implied or expressed body shaming; derogatory comments related to one's identity (e.g., race, gender identity or expression, ethnicity, Indigeneity, disability); comments that are demeaning, humiliating, belittling, intimidating, insulting or threatening; the use of rumours or false statements about someone to diminish that person's reputation; using confidential sport and non-sport information inappropriately (See also the definitions for bullying, harassment, and discrimination)
- b) **non-assaultive physical conduct** <*conduit physique sans agression*> : means physical behaviour or the encouragement of physical behaviour, that has the potential to be harmful or instil fear, including without limitation:
  - i. body-shaming, such as, without limitation, repeated and unnecessary weigh-ins, setting unreasonable weigh-in goals, inappropriately taking food away from skaters/athletes, prescribing inappropriately restrictive diets, inappropriately focusing on the physical appearance of a person's body, unnecessary or inappropriate emphasis on biometric data; and
  - ii. forms of physically aggressive behaviour such as without limitation, throwing objects at or in the presence of others without striking another; damaging another's personal belongings; hitting, striking, or punching objects in the presence of others
- c) **conduct that causes the denial of attention or support** <*comportement causant un refus d'attention ou de soutien*> : includes without limitation, forms of lack of



support or isolation such as ignoring psychological needs or socially isolating a person repeatedly or for an extended period of time; abandonment of a skater / an athlete as punishment for poor performance; arbitrarily or unreasonably denying feedback, training opportunities, support or attention for extended periods of time and/or asking others to do the same

- d) **a person in authority's pattern of deliberate non-contact behaviours** *<comportements sans contact, commis délibérément par une personne en position d'autorité>* that has the objective potential to be harmful

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

**reporting (or report)** *<signalement (signaler)>* : means the provision of information in writing by an individual as outlined in this Procedure to an independent external authority, specifically for this Procedure the independent Case Manager designated by Skate Canada, to receive complaints regarding an alleged or suspected violation of this Procedure or the Policy. Reporting may occur through either: (i) the person who experienced the misconduct, or (ii) someone who witnessed the misconduct or otherwise knows or reasonably knows that misconduct or a risk of misconduct exists (the term report may be used interchangeably with the term 'complaint')

**respondent** *<intimé>* : means an individual who is alleged to have engaged in misconduct and thereby to have violated the Policy and this Procedure

**retaliation** *<représailles>* : means taking an adverse action against an individual for making a good faith report of actual or possible misconduct or for participating in any Skate Canada enforcement process. Retaliation includes threatening, intimidating, harassing, coercing, negatively interfering with sport participation, or any other conduct that would discourage a reasonable individual from engaging or participating in an investigation or disciplinary review process related to behaviour prohibited by the Skate Canada. Retaliation after the conclusion of the reporting and resolution processes is also prohibited, even where there is a finding that no misconduct occurred. Retaliation does not include good-faith actions lawfully pursued in response to a report of actual and/or possible misconduct

**Safe Sport division** *<division du sport sécuritaire>* : is a division of Skate Canada, through which an individual may report incidents of injury, concerns related to the Code



of Ethics (except those related to misconduct as defined within this Procedure), and general disputes to Skate Canada through the Safe Sport reporting process

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

**sexual maltreatment** <maltraitance sexuelle>

- (i) **sexual maltreatment** <maltraitance sexuelle> as defined in the UCCMS, means any pattern or single incident, whether physical or psychological in nature, that is committed, threatened, or attempted, and that has the potential to be harmful to a person's integrity. Sexual maltreatment includes, but is not limited to,
  - a) any non-consensual touching of a sexual nature and/or the *Criminal Code* offence of sexual assault;
  - b) forcing or coercing a person into sexual acts;
  - c) participating in or performing acts on a person that violate their sexual integrity;
  - d) *Criminal Code* offences that do not involve actual physical contact or that can occur through electronic means such as indecent exposure, voyeurism and non-consensual distribution of sexual/intimate images, luring and agreement or arrangement to commit a sexual offence;
  - e) **sexual harassment** <le harcèlement sexuel>, which is defined as any series of or serious comment(s) or conduct of a sexual nature that is unwelcome and that would be objectively perceived as unwelcome, and which broadly includes jokes, remarks, or gestures of a sexual or degrading nature, or any act targeting an individual's sexuality, gender identity or expression. It can also include stalking or harassment in person or by electronic means where the stalking or harassment is of a sexual nature
- (ii) **sexual maltreatment of a minor** <maltraitance sexuelle envers une personne mineure> : as defined in the UCCMS, Is any sexual maltreatment against a minor. It includes the items described above under "sexual maltreatment" and also includes, but is not limited to, the *Criminal Code* offences that are specific to individuals who are not adults or to individuals under a particular



age, such as sexual exploitation, sexual interference, and any offence related to exploitation of a minor through prostitution. Sexual maltreatment of a minor is not limited to acts that involve physical contact but can include acts that can occur in person or via electronic means such as, but not limited to, invitation to sexual touching, making sexually explicit material available to a minor, and acts that occur only online such as luring or agreement or arrangement to commit a sexual offence against a minor. It also includes any offence related to child pornography as that term is defined in the law in Canada. For the sake of clarity, it shall not constitute a violation in and of itself for a minor to create, possess, make available or distribute images of themselves.

- (iii) Sexual maltreatment can take place through any form or means of communication (e.g., online, social media, verbal, written, visual, hazing, or through a third party).
- (iv) An individual is presumed to know that a person is a minor.
- (v) It is prohibited for an individual to create, possess, make available or distribute images that sexualize or contain nudity of another individual in the absence of consent.
- (vi) Where there is a power imbalance, sexual acts, or communications (electronic or otherwise) between any individual and another individual are prohibited.

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

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

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





**Sport Canada** <*Sport Canada*> : means the division of the Government of Canada that provides leadership and funding to help ensure a strong Canadian sport system which enables Canadians to progress from early sport experiences to high performance excellence, including the Athlete Assistance Program (AAP)

**SDRCC** <*CRDSC (Centre de règlement des différends sportifs du Canada)*> : means the Sport Dispute Resolution Centre of Canada, which is the entity created through the Government of Canada's Physical Activity and Sport Act with the mandate to provide to the sport community a national alternative dispute resolution service for sport disputes; expertise and assistance regarding alternative dispute resolution; and, to establish an independent safe sport mechanism to implement the UCCMS at the national level (see definition for OSIC)

**suspension / suspended** <*suspension / suspendu*> : means either for a set time or until further notice an individual is ineligible to participate, in any capacity, in any program, practice, activity, event, or competition organized or sanctioned by Skate Canada and/or its members or sections. A suspended individual may be eligible to return to sport, but reinstatement may be subject to certain restrictions or contingent upon the individual satisfying specific conditions noted at the time of suspension

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

**UCCMS** <*CCUMS (Code de conduit universel pour prévenir et contrer la maltraitance dans le sport)*> : means the Universal Code of Conduct to Prevent and Address Maltreatment in Sport , in force and effect and as may be amended from time to time, which serves as the core document that sets harmonized rules to be adopted by sport organizations that receive funding from the Government of Canada to advance a respectful sport culture that delivers quality, inclusive, accessible, welcoming, and safe sport experiences`

**vexatious** <*vexatoire*> : means an action(s), comment(s), and/or conduct instituted without sufficient grounds in order to cause annoyance to the person

**we, us, our** <*nous, notre, nos*> : means Skate Canada, unless noted otherwise

**Important Note:** To the extent there is a conflict in definitions between this Procedure and/or the Policy and the UCCMS, the UCCMS prevails. Notwithstanding the forgoing, to





the extent there is a conflict between the UCCMS and applicable legislation/law, the applicable legislation/law will prevail.

### **Procedure Scope/Applicability**

This Procedure is designed to implement the Policy. This Procedure is intended to ensure an appropriate and timely investigation and resolution of reports of alleged, actual, or suspected complaints of misconduct received by the external independent Case Manager of the Skate-Safe process as retained by Skate Canada as an external authority

This Procedure applies to all individuals (except program signatories unless OSIC redirects a complaint to Skate-Safe, at which point this Procedure applies), as defined in the Policy and within this Procedure, in the skating community.

All reports or complaints concerning an incident of misconduct filed prior to signing with the OSIC Abuse-Free Sport process and that remain in progress, will be governed by the substantive rules of the Policy and this Procedure in order to determine whether a violation of the Policy has occurred.

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

**This Procedure applies to reports from or between past and current individuals, and this Procedure applies with retroactive effect.**

This Procedure applies to all complaints of alleged, actual, or suspected misconduct, as defined within the Policy and this Procedure.

This Procedure applies to any act, conduct, behaviour, and/or matter that may arise during the course of Skate Canada's business, activities, environment, and events including without limitation Skate Canada competitions, practices, and training camps, travel associated with Skate Canada activities, and any meetings with Skate Canada.

To meet the guiding principles as established in the Policy, this Procedure sets out the process for the reporting, investigation, and resolution management processes for complaints of misconduct including:



- initiation of complaints of misconduct, including the reporting process and timelines
- initial assessment to determine appropriate process to be followed
- informal resolution process
- formal resolution process, including investigation as applicable and response
- decision, including disciplinary action as applicable and appropriate
- appeal process

In addition, the Procedure establishes accountabilities, and roles and responsibilities.

**Important Note:** This Procedure does not apply to the investigation, resolution, decisions and/or recommendations for sanctions, or appeals relating to complaints by program signatories reported through and managed by the Office of the Sport Integrity Commissioner (OSIC) and the Abuse-Free Sport program, the Director of Sanctions and Outcomes (DSO) or the Sports Dispute Resolution Centre of Canada (SDRCC).

## Procedure Steps

Anyone who experiences or becomes aware of misconduct (e.g., experienced or witnessed the misconduct, or knew or otherwise ought to have known or reasonably believes that misconduct or a risk of misconduct exists) involving an individual, as defined by the Policy and this Procedure, must report the actual or suspected misconduct, and follow the steps as outlined in this Procedure.

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

### I. Initiation and Complaint Reporting Process

The complaint of actual or suspected misconduct under this Procedure must be reported directly through the external independent third-party Skate-Safe Case Manager reporting process.



The complaint report should contain as much information as possible about the misconduct situation forming the subject of the complaint, including but not limited to dates, times, and locations of the occurrence (s) of misconduct, names of any witnesses to the occurrence (s), and a detailed description of the offensive behaviour or misconduct.

A report of a complaint of Skate-Safe misconduct as defined by the Procedure can be raised through Skate Canada's third-party independent hotline – on a confidential basis with or without anonymity – online or by telephone 24 hours a day (collectively the "Hotline"), seven (7) days a week (including weekends and holidays). Complaints raised through the Hotline are submitted by the third-party hotline provider to the Case Manager to ensure an independent review, investigation (as appropriate) and disposition.

If a report is submitted anonymously through the Hotline, the identity of the individual raising the complaint through the Hotline is not known to the Case Manager. To facilitate anonymous communication, the individual is provided with a confidential identification number that will allow for further communication through the Hotline. It is important to note that cases filed anonymously are difficult to pursue or investigate, and may be impeded, however, they are important and may point to a problematic situation.

**Skate-Safe reports can be submitted in English or French through the following third-party independent hotline channels:**

Online: [www.skate-safe.ca](http://www.skate-safe.ca)

Telephone: 1-833-723-3758

The Case Manager has the discretion to choose the resolution process based on nature of the issue reported, including referring the issue to the club, skating school, and/or section for resolution. As such, if after reviewing the reported complaint, the Case Manager determines that the issue does not fall within their mandate of complaints of misconduct, the reporting individual will be advised of the decision and depending on the nature of the situation, redirect the issue with the consent of the individual to Skate Canada to be managed at the appropriate jurisdiction (such as, the club, skating school, section or Skate Canada depending on the situation and where the matter originated), or advise the individual to report their issue directly through the Skate Canada Safe Sport process. If warranted, the reporting individual has the right to decide whether or not to retract the complaint. The Case Manager will advise all applicable parties of the reason it was not considered misconduct and where the matter has been redirected or should be directed, as applicable.



If Skate Canada as part of the Safe Sport process or the Case Manager for the Skate-Safe program receives a complaint of misconduct from a program signatory that should have been reported to OSIC through the Abuse-Free Sport program process, Skate Canada or the Case Manager, as applicable, will redirect the individual to OSIC to report their issue directly with OSIC in accordance with the Abuse-Free Sport program policies and procedures. In addition, if a complaint of misconduct is received that involves a program signatory, the Case Manager and/or Skate Canada, as applicable, is obligated to file a report with OSIC to manage as part of the Abuse-Free Sport program process.

If OSIC redirects a report/complaint to the Case Manager of the Skate-Safe program with the consent of the individual, the Case Manager for our Skate-Safe program will manage the report in accordance with the Policy and this Procedure and notify the individual(s) that made the complaint of such action.

If a report received through the Safe Sport division of Skate Canada for incidents of injury and general disputes is determined to be potentially a complaint of alleged, suspected, or actual misconduct, the report will be transferred to the independent external Skate-Safe Case Manager for review and assessment. Skate Canada will advise all applicable parties of the transfer to the external Case Manager.

**IMPORTANT NOTE:**

- Complaints may be reported by a minor. A minor may be required to have a parent/guardian or other adult serve as their representative during the processes as set out in the Policy and this Procedure. For clarity, a complaint report will not be rejected on the sole basis that it was submitted by a minor and not by a parent/guardian.

## **II. Initial Assessment Process**

Following the determination that the complaint report of misconduct should be accepted by the Case Manager, the Case Manager, at their sole discretion, will determine how to proceed based on the nature of the report of misconduct, and timelines will be established to ensure procedural fairness and further ensure that the matter is resolved in a timely fashion. A decision to accept, refer or dismiss the complaint may not be appealed.

Upon acceptance of a complaint of misconduct, the Case Manager will provide written acknowledgement to the complainant and notice to the respondent including the



nature of the allegation, and as applicable any other affected party as solely determined by the Case Manager, that a complaint has been received.

Depending on the nature of the allegation of misconduct, a verbal summary of the complaint of misconduct may be forwarded to the police and other appropriate law enforcement agencies/officials, or authorities as applicable or investigated through the Case Manager process, as warranted.

Depending on the nature of the allegation of misconduct and/or at any time during the investigation process, upon the recommendation of the Case Manager, Skate Canada will issue immediate disciplinary action, as applicable and appropriate, including suspension, the imposition of an immediate sanction or expulsion of membership or status as a registrant. For any such action, applicable parties will be notified of same.

Where criminal charges have been laid against an individual, Skate Canada may render a sanction / disciplinary decision to suspend the individual's membership, prior to or without conducting an investigation of misconduct under these Procedures. If an individual has been convicted of a criminal charge or an individual has been found by a court (domestic and/or foreign), by a professional disciplinary tribunal of competent jurisdiction (e.g., Human Rights Tribunal), by a professional disciplinary external source of competent authority (including but not limited to, law enforcement agencies, Children's Aid Society, and other professional disciplinary organizations), by a sport organization's disciplinary process (e.g., OSIC Abuse-Free Sport, ISU, COC, etc.) or a specialized sports tribunal, to have engaged in conduct that constitutes a serious and significant violation of Skate Canada's policies, Skate Canada will deem the facts as admissible within the enforcement process and render a sanction/ disciplinary decision, including and up to immediate suspension or permanent expulsion of the individual, prior to or without conducting an investigation under these Procedures. If an individual is permanently expelled from Skate Canada and is an inductee to the Skate Canada Hall of Fame, the individual will automatically be removed from the Skate Canada Hall of Fame, in accordance with Skate Canada policies and procedures, An individual shall be deemed to have violated Skate Canada's policies if a court, tribunal, or external source of competent authority has made a finding against the individual, and the finding is based on facts which would, in the opinion of Skate Canada, be grounds for a finding of misconduct under the Policy.

Skate Canada reserves the right, at its sole discretion, upon the recommendation of the Case Manager, to take appropriate action, regardless of whether or not criminal charges have been laid or a formal finding and/or conviction has been rendered, where there is satisfactory evidence that the individual engaged in conduct that constitutes a serious and significant violation of Skate Canada's policies, regardless of a court, tribunal,



external source, etc. decision. For any such action, applicable parties will be notified of same.

### **III. Investigation and Resolution Process**

#### **Investigation**

For a misconduct complaint received and accepted, the Case Manager will be in charge of the investigation (as applicable) and resolution process to address the report and render a final and binding decision, subject to the right of appeal as outlined within this Procedure as applicable to the Board.

The Case Manager will take appropriate steps at their sole discretion to address the complaint. What appropriate steps will depend on the nature of the complaint, and other relevant circumstances. Steps may include an investigation, if appropriate. The investigation may include, but is not limited to, interviewing the complainant, and accused parties as well as other individuals necessary to obtain sufficient information upon which to make an assessment. In addition, this may include the involvement of an independent external third-party, including but not limited to an investigator(s), legal counsel and/or law enforcement, as required. All parties must cooperate with the investigation.

Where additional information comes to light following submission of the complaint report that indicates further possible violation(s) of the Policy and/or this Procedure that are not identified in the complaint report, the Case Manager should be advised in order to determine whether the Investigation mandate will be revised.

If appropriate, the Case Manager, at their sole discretion, may attempt to resolve the issue with the parties using an alternate dispute resolution approach as appropriate. When the Case Manager is of the opinion that the misconduct complaint is serious and cannot be resolved using an alternate dispute resolution approach, or if it is a repeated pattern of behaviour, the Case Manager will escalate to the level of a formal investigation.

The Case Manager will determine, at their sole discretion, whether a third-party investigator should be retained through a lawyer or directly. The Case Manager will provide the lawyer or investigator with the relevant details about the complaint as provided by the complainant in the report, as well as the relevant Skate Canada policies and procedures.



Once the investigation is completed, the investigator will provide a final detailed Investigation Report, including evidence provided by the complainant, the alleged respondent and relevant witnesses, and the investigator's summary of findings and conclusions, to the Case Manager and to the lawyer if applicable. The Case Manager will review the final Investigation Report, obtain legal advice where appropriate, and deliver a final and binding decision, including disciplinary action, as applicable, to Skate Canada.

If it is determined through the investigation that an individual has made a false, malicious, or vexatious complaint or made the complaint with the intent to harm another individual, this will be reviewed by the Case Manager based on the report of the investigator and disciplinary action may be taken. For further details, see section within this Procedure on 'Fabricated, malicious, frivolous or vexatious complaint'.

In addition, if it is determined through the investigation that an individual has retaliated against an individual for a good faith report, this will be reviewed by the Case Manager based on the report of the investigator and disciplinary action may be taken. For further details regarding retaliation, see section within the Policy on 'No Retaliation for good faith reports'.

At any point during the review and/or investigation process, the Case Manager can render a decision based on sufficient information and/or evidence on file to support their decision.

In addition, at any time during the review and/or investigation, the Case Manager may at its discretion render a decision to dismiss a complaint if:

- the parties agree to resolve the situation through mediation, early resolution, or other means
- the complaint does not constitute or relate to misconduct as defined by the Policy
- the complaint is unfounded/unsubstantiated
- the complaint is trivial, frivolous, malicious, vexatious, intentionally false or made in bad faith, or retaliatory

As applicable, at any time during the review and/or investigation, the Case Manager may in its discretion defer its investigation or decision, including disciplinary action, until a police / law enforcement investigation is complete.

At any time during the complaint report and resolution process, if an individual attempts to circumvent the process by failing to respond to a complaint in a thorough



and timely fashion or at all, or if the individual withdraws their complaint and/or refuses to participate in the investigation process, the Case Manager will nonetheless proceed based on the information made available to them by the individual who submitted the complaint, and any witnesses interviewed as part of the process.

## Decision

The complainant and the respondent, and their legal counsel, as applicable, and Skate Canada, will be notified by the Case Manager of the findings and the conclusions (both as appropriate) made as a result of the investigation, including any disciplinary action, penalties, and/or sanctions to be imposed (as applicable). Notification is also provided by the Case Manager if a decision is rendered to dismiss a report of misconduct for any reason as set out herein. Whenever any individual is found to have engaged in conduct that constitutes a breach of Skate Canada policies, including but not limited to the Code of Ethics Policy, Skate Canada can take appropriate disciplinary and remedial action to address and correct the situation. In appropriate situations, Skate Canada may initiate legal action.

Within 15 days of the Case Manager rendering their conclusion, the Case Manager will distribute their decision to the complainant and the respondent, and their legal counsel, as applicable, and to Skate Canada including information on the appeal process as applicable, by registered mail and/or other means (e.g., email together with a paper copy via courier) as determined by the Case Manager based on the circumstances and/or location of the parties. In extraordinary circumstances, the Case Manager may first issue the decision verbally or a summary decision provided soon after their conclusion, with the full written decision to be issued before the end of the 15-day period. The decision will be considered a matter of public record unless decided otherwise by Skate Canada or it is prohibited by law.

## Sanctions / Disciplinary Action

The appropriate disciplinary and/or remedial action, sanctions, penalties, or any oversight/monitoring action or otherwise to be taken by Skate Canada, will be decided upon by the Case Manager. What is appropriate in any given situation will vary, and depend on a number of factors which may include but is not limited to the nature and severity of the situation, whether this is a new or recurrent problem, etc.

Disciplinary steps and/or actions, including sanction considerations, are proportionate and reasonable relative to the nature and severity of the violation of misconduct, and





range from informal (e.g., a verbal reprimand or apology) to formal (e.g., privileges of membership may be temporarily suspended, funding may be suspended from Skate Canada or from other sources, suspension for a set time or until further notice from activities, programs, events, competitions, membership, Hall of Fame, eligibility restrictions, registrant status suspended or cancelled permanently, permanent expulsion with no ability for reinstatement) and from less serious to more serious up to and including publication of the disciplinary action, or any other sanctions, penalties and/or disciplinary measures that the Case Manager deems just and appropriate in the circumstances. If an individual is expelled from Skate Canada and is an inductee to the Skate Canada Hall of Fame, the individual will automatically be removed from the Skate Canada Hall of Fame, in accordance with the applicable Skate Canada policies and procedures. Disciplinary actions, sanctions and/or penalties may be applied singularly or in combination.

Remedial steps that may be recommended range from a verbal or written apology to the complainant, a verbal or written letter of reprimand on the respondent's membership / registrant file, etc. to a more defined requirement (e.g., payment of a fine/levy, loss of privileges, loss of right to attend an event/ competition, requiring behavioural counselling, formal education, or training curriculum, etc.).

Unless the Case Manager decides otherwise, any disciplinary sanctions will begin immediately, notwithstanding an appeal. Failure to comply with a sanction as determined by the Case Manager will result in an automatic suspension until such time as compliance occurs.

## Records and Distribution of Decisions

Records of all decisions and supporting documentation (including, without limitation, reports, initial assessment, investigation reports, resolution, corrective action, etc.) will be maintained by the Case Manager and Skate Canada in a secure location and in accordance with the Record Retention Policy.

A database or registry of the names of individuals who have been sanctioned, and/or received disciplinary action by Skate Canada or whose eligibility to participate in the programs, activities, events, competitions, etc. of Skate Canada has in some way been restricted will be maintained in a manner as determined by Skate Canada, which may include being publicly available.



#### **IV. Appeal Process**

The decision of the Case Manager is final and binding on all parties, subject to right of appeal to the Board.

An appellant may file an appeal only in accordance with the Policy and this Procedure.

##### **Timing of an Appeal**

A decision on a Skate-Safe report of misconduct by the Case Manager may be appealed by the appellant by submitting a written Notice of Appeal addressed to the Board as outlined below. The timing to submit a Notice of Appeal is no later than 21 days from the date that the Case Manager decision letter is sent to the complainant, respondent, and as applicable, their legal counsel, and to Skate Canada.

##### **Filing a Notice of Appeal**

An appellant who wishes to appeal a decision of the Case Manager must initiate the appeal process by filing the written Notice of Appeal with the Board. The appeal process cannot begin until this application is made and received by the Board.

The written Notice of Appeal must contain the following information:

- intention to appeal;
- contact information of the person appealing (including name, mailing address, email address, and telephone number) and membership status of the appellant
- identity of the individual whose decision is being appealed and any affected parties;
- date the appellant was advised of the decision being appealed;
- copy of the decision being appealed or description of decision if a written decision or document is not available, and related facts;
- which Grounds for Appeal the appeal is based on as outlined in the Policy;
- detailed reasons for the appeal;
- why the sanction is inappropriate;
- all evidence to support the Grounds for Appeal; and
- if applicable, the request for timing-exemption with justification

**A Notice of Appeal can be submitted as follows:**



The written Notice of Appeal may be delivered in person, by courier or special delivery, or by email to the Board at the head office information as follows.

**Mail:**

**Attention: Board of Directors  
Skate Canada  
261 – 1200 St. Laurent Blvd  
Box 15  
Ottawa, ON  
K1K 3B8**

**Email: [appeals@skatecanada.ca](mailto:appeals@skatecanada.ca)**

If an appellant wishes to initiate an appeal beyond the 21-day period, they must provide a written request stating the reasons for an exemption. The decision to allow or refuse an appeal outside of the 21-day period will be at the sole discretion of the Board which may not be appealed.

Any documentation which the parties wish to have the Board consider as part of the appeal must be in writing and provided to all parties in accordance with the timelines, as determined by the Board.

If an appeal is not received within the prescribed timeframe for filing an appeal as outlined above and no exemption has been granted by the Board, the Case Manager will provide written notification to the applicable parties, no later than seven (7) days of the expired prescribed timeframe required to file an appeal. For clarity, the case will be considered closed and the decision of the Case Manager final and binding on all parties.

Appeals are not meant to re-decide matters already addressed. There is no authority for the Board under the Policy and this Procedure to undertake its own investigation or inquiry. The appeal is determined based on the documents filed in the appeal process.

The Board will first review the written appeal submission and, at their own discretion, determine if there are sufficient Grounds for Appeal. In the event there are sufficient grounds, the appeal process will be initiated. In fulfilling these duties and to maintain independence and ensure the process is free of actual or perceived bias or conflict of interest, the Board will engage an independent external legal advisor to oversee the appeal review process, including but not limited to the screening of the written Notice of Appeal and based on that review, providing a recommendation(s) to the Board for final decision as part of the appeal decision process.



The legal advisor will not notify applicable parties upon receipt of an appeal. Applicable parties will only be notified of an appeal once the appeal has been decided by the Board.

## Grounds for Appeal

An appellant cannot challenge a decision only on the grounds that it is not favourable to them. An appeal may be heard only if there are sufficient 'Grounds for Appeal' as established and outlined in the Policy.

## Burden of Proof

The appellant has the burden of proof in an appeal and must prove, on a balance of probabilities, that the decision of the Case Manager being appealed is the result of a procedural error as described in the 'Grounds for Appeal' as outlined in the Policy, and that this error had, or may reasonably have had, a material effect on the decision or decision-maker.

## Screening of Appeal

- a. The appeal screening process will be performed within a reasonable timeline as determined by the legal advisor
- b. The legal advisor will determine whether the appeal is admissible with regards to:
  - the subject of the appeal is a complainant or responder;
  - the appeal is submitted by an appellant, as defined within this Procedure, either the complainant or the respondent;
  - the deadline for filing by the Notice of Appeal has been met, or, where applicable, the exemption request is granted;
  - the decision being appealed falls within the jurisdiction of the Policy and is not among the exclusions listed in the Policy; and
  - the Grounds for Appeal as set out in the Notice of Appeal are among those listed in the Policy
- c. If the appeal is denied by the Board on the basis of insufficient Grounds for Appeal, the appellant will be notified, in writing, of the reasons for this decision. This decision may not be appealed.
- d. If the legal advisor is satisfied there are sufficient Grounds for Appeal, a recommendation will be made to the Board for their review and decision.



- e. If the Board grants the appeal, written acknowledgement will be provided to the appellant and any affected party.

## Appeal Decision

- a. The written appeal decision by the Board based on the recommendation of the legal advisor will be rendered as soon as reasonably practical. The date on which the Board sends the written decision via registered mail (or via courier or special delivery) and/or email to the applicable parties will be deemed to be the date on which the decision was rendered. All matters will respect all applicable laws.
- b. In addition to any other powers properly conferred upon the Board as part of the Bylaws or Charter, in making its decision, the Board after reviewing the recommendation of the legal advisor, shall have the power, by simple majority vote of the Board, to:
  - reject/dismiss the appeal summarily and confirm the decision being appealed
  - grant the appeal and refer the matter back to the initial decision-maker Case Manager for a new investigation and/or decision, as applicable
- c. The Board's written appeal decision, with reasons, will be sent as follows:
  - if the appeal is rejected/dismissed, to the appellant, and the CEO of Skate Canada
  - if the appeal is granted, to the appellant, the complainant, the responding party to the appeal, and the CEO of Skate Canada
- d. In extraordinary circumstances, a verbal or summary decision may first be issued soon after the Board conclusion, with the full written decision to be issued thereafter. The date on which the written decision is distributed will be deemed to be the date on which the decision was rendered.

## Final and Binding

An appeal decision of the Board is final and binding on all individuals involved. This decision may not be appealed.

If the appeal is granted by the Board and referred to the initial Case Manager for a new investigation and decision (as applicable), the resulting conclusion and decision of the



Case Manager are final and binding on all parties and all individuals. This decision may not be appealed.

#### Additional Information and Recourse

This Procedure does not prevent an individual from filing a complaint under human rights or making a police report.

Individuals retain the right to exercise any other legal avenue that may be available.

All individuals have the right to:

- contact the provincial Human Rights Commission to file a formal complaint of discrimination or harassment
- proceed with criminal charges if the conduct complained of constitutes criminal conduct as defined by the Canadian Criminal Code

#### Confidentiality

The appeal review process is confidential involving only the appellant, the Board, and the legal advisor to the Board. Once initiated, and until a decision is released, none of the parties or the Board will disclose confidential information of the appeal to any person not involved in the proceedings.

After completion of the appeal review process, the Board will return all copies of the documentation from the appeal review process, including any notes taken by the Board during the appeal, and a copy of the decision, to Skate Canada for safe keeping in a secure location in accordance with the Record Retention Policy.

#### **V. Timelines**

If the circumstances are such that a timely resolution is not possible, the Case Manager may direct that the timelines as outlined in this Procedure be revised in order to accommodate the particular circumstance of the report of misconduct.

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



## **VI. Failure to report**

It is a violation of any adult individual who knew or ought to have known of an individual's misconduct toward another person to fail to report such conduct, except where information regarding the misconduct is made known to them through an explicitly confidential disclosure.

An adult individual to whom the Policy and this Procedure applies who knowingly fails to report a known actual or suspected conduct, behaviour or action of misconduct pursuant to the Policy and this Procedure for reasons other than the explicitly confidential disclosure, it remains a violation for them to fail to report and may be subject to disciplinary action, at the sole discretion of Skate Canada.

In addition, It is a violation of the Policy and this Procedure for any adult individual to fail to fulfill any applicable legal duty to report.

Refer: for further details regarding the obligation to report, refer to the Policy

## **VII. Fabricated, malicious, frivolous, or vexatious complaint**

A complaint of misconduct, as defined in the Policy and this Procedure, is a serious matter. Anyone reporting a concern, who is subject to the Policy and this Procedure, must be acting in good faith and have reasonable grounds for believing the information being reported is true and accurate. Any allegations that prove not to be substantiated and prove to have been frivolous, malicious, intentionally false, fabricated, or vexatious will be viewed as a serious disciplinary offense, and the individual who reported the concern will be subject to disciplinary action up to and including suspension/expulsion. Absent demonstrable bad faith, where a complaint is unsubstantiated or based on a mistake, it will not necessarily be considered frivolous, malicious, intentionally false, fabricated, or vexatious. For clarity, an unsubstantiated allegation alone is not a violation of the Policy nor this Procedure.

## **Roles and Accountabilities**

### **Skate Canada**

Skate Canada is responsible for taking all reasonable steps to meet our commitment to Safe Sport and the corresponding principles as outlined in the Policy and this Procedure, including



- implementation of the necessary preventative measures to ensure the Policy and this Procedure are deployed and followed; and
- responding to any Safe Sport reported occurrence of misconduct
- advancement of Safe Sport policies, education, and advocacy initiatives
- monitoring the external environment for new developments and advances impacting Safe Sport principles

## Board

The Board is accountable for:

- the approval and oversight of the Policy and this Procedure to ensure that the Policy and Procedure are consistent with the strategic direction, objectives, and strategic plans of Skate Canada
- decisions and acts as required by Skate Canada as defined within the Bylaws
- the appeal process, including the review and rendering of a final and binding decision and related actions (disciplinary or corrective) as applicable for appeals

## CEO

The Board has assigned the responsibility the implementation of the Policy and this Procedure to the CEO, who is responsible for:

- ensuring the organization has the appropriate resources to develop ongoing prevention measures
- developing and implementing operational procedures and practices for Safe Sport
- developing an evaluation system that regularly monitors the effectiveness of initiatives in Safe Sport, and adjusting delivery as necessary to meet established goals and objectives
- developing a communication and partnership strategy within the skating community to ensure a Safe Sport environment for everyone in the skating community
- providing a quarterly standing report as applicable
- decisions and acts as required by Skate Canada as outlined within this Procedure

## Safe Sport Manager

The Safe Sport Manager is responsible for:

- supporting the ongoing evolution (subject to Board approval), application and maintenance of the Policy and this Procedure
- day to day implementation and maintenance of the Skate Canada National Safe Sport Program, including preventative measures, and reporting and resolution processes
- supporting the regular review and maintenance of the Policy and this Procedure





- providing a standing update on Skate-Safe reports of misconduct to the Board and the CEO, and as requested to the Finance and Enterprise Risk Management Committee (FERM, a standing committee of the Board)

#### Case Manager

The Case Manager is responsible for:

- overseeing the activities of the Skate-Safe misconduct complaint reporting program in accordance with the Policy, this Procedure, and the Terms of Reference
- receiving, investigating (as applicable), and actioning concerns of misconduct reported to the third-party independent misconduct Hotline provider, including rendering a final and binding decision and disciplinary action as applicable, subject to appeal to the Board
- consolidating, filing, and retention of all records of reports received, together with the status/results of investigations/actions taken

#### Third-party independent misconduct Hotline provider

The Hotline provider is responsible for:

- receiving complaints of misconduct through the Hotline
- providing all reported complaints of misconduct to the Case Manager
- providing confidential access to the Hotline for follow-up communications with the individual in order to maintain their anonymity, as applicable

#### Legal Advisor

The legal advisor is responsible for:

- overseeing the activities of the appeal review process for the Skate-Safe process, including the screening of the Notice of Appeal to determine if there are sufficient Grounds for Appeal, and based on the review, provide a recommendation to the Board for final decision on how to proceed with the appeal

#### Coaches, Officials, Clubs, Skating Schools, and Sections

In addition to what is required of every individual, coaches, clubs, skating schools, and sections have an additional obligation to oversee and address the behaviours of others, by setting a good example and by taking positive action whenever they become aware of any potential breach of the Code of Ethics, the National Safe Sport Program, Policy and/or this Procedure. To achieve this, coaches, clubs, skating schools, and sections are responsible for:

- promoting and maintaining a safe and respectful skating environment, free of misconduct



- reinforcing all elements of the Policy, this Procedure, and the Code of Ethics
- having policies and processes to address acts of misconduct as they become aware of, or reasonably ought to be aware of, as soon as reasonably practical, in alignment with the National Safe Sport Program, the Policy and this Procedure
- actively work to eliminate any unsafe practices and misconduct which they become aware of, or reasonably ought to be aware of, and promptly inform the Case Manager of any situation of misconduct

### Individuals

Every individual has a responsibility to take a proactive approach to creating a Safe Sport environment and commit to the safety and protection of everyone in the skating environment from injury and misconduct in our environment. This means not engaging in, allowing, condoning, or ignoring behaviour that violates the National Safe Sport Program, the Policy, the Skate Canada Code of Ethics and/or this Procedure.

To achieve this, individuals are required to:

- ensure that their actions, behavior, and conduct comply with the provisions of the Policy, the Skate Canada Code of Ethics, and this Procedure
- acquire a clear understanding of safety prevention measures and respectful behaviours, for example the requirements as outlined in Skate Canada Code of Ethics Policy, the Anti-Doping Policy and accompanying Safe Sport Handbook, the Concussion Policy, and the Concussion Protocol
- be familiar with, understand, and comply with the Policy, and this Procedure
- be familiar with, understand, and comply with the provisions of the UCCMS
- take positive measures to prevent and confront disrespectful and unsafe behaviours and practices
- immediately report complaints of actual or suspected misconduct to the Case Manager
- complete all applicable education and training, as prescribed from time to time

### Controls and Monitoring

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

- reporting and resolution management processes including:
  - initiation of complaints of misconduct, including the reporting process and timelines
  - initial assessment to determine appropriate process to be followed
  - informal resolution process
  - formal resolution process, including investigation as applicable and response



- decision, including disciplinary action as applicable and appropriate
  - appeal process
- establishes accountabilities, and roles and responsibilities
- preventative measures to support the National Safe Sport Program including, but not limited to, policies and procedures, risk identification and management, required education and training programs as prescribed from time to time (e.g., Respect in Sport, Code of Ethics, etc.), coach certification program, coach “in good standing” requirements, resources and tools, and ongoing communication and awareness
- standing report on the number and nature of the Skate-Safe reports of misconduct received and trends, including decisions (as applicable) to the Board and the CEO, and as requested to the Finance and Enterprise Risk Management Committee

Lastly, this Procedure is reviewed in conjunction with the Policy at a minimum every two (2) years, or sooner if there are legislative or regulatory changes, as part of policy review and validation in accordance with the Policy Management Policy.

### **Related Documents/Resources**

Policy documents that this Procedure falls under, as well as other documents that should be read to receive the full context of this document.

Skate Canada

#### **For Coaches, Officials, Skaters, Registrants, Members, Parents/Guardians, Alumni, and Inductees to the Hall of Fame:**

Misconduct Reporting and Resolution Policy

Anti-Doping Policy

Code of Ethics

Concussion Management Policy

Concussion Protocol

Electronic Communications Standards of Conduct

Electronic Communications Protocols for Coaches, Skaters, Athletes

Equity, Diversity, and Inclusion Policy

Hall of Fame policies and processes

Incidents of Injury Reporting and Management Policy

Official Languages Policy

Online Criminal Record Check Procedure

Privacy Code

Safe Sport Handbook

Trans Inclusion Protocol



**For Employees, Officers, and Directors only (in addition to the policies noted above):**

Code of Conduct  
Communications Policy  
Enterprise Risk Management Policy  
Equity, Diversity, and Inclusion Policy  
National Safe Sport Program  
Policy Management Policy  
Privacy Policy  
Record Retention Policy

**Government and Industry Resources**

Government of Canada/Sports Canada: ethics and safety in sport including key ethical issues on doping, abuse/harassment and violence, and violence in sport, policies and procedures related to Safe Sport (including but not limited to the UCCMS)

Canadian Centre for Ethics in Sports (CCES): abuse free sport helpline, anti-doping program, anti-doping education and resources, concussion prevention education

Abuse Free Sport Helpline

<http://abuse-free-sport.ca/en/> | 1-888-83SPORT (1-888-837-7678) | [info@abuse-free-sport.ca](mailto:info@abuse-free-sport.ca)

Canadian Anti-Doping Program (including education, and resources)

<https://cces.ca/canadian-anti-doping-program>

Coaching Association of Canada: Coaches Code of Ethics, and the Responsible Coaching Movement, which focuses on three key areas: Rule of Two, Background Screening, and Ethics & Respect Training

<http://coach.ca/responsible-coaching-movement-s17179>

Canada Olympic Committee (COC): education resources aimed at promoting a safer and more inclusive sport environment, including but not limited to:

- COC Policy on the Management of Safe Sport Complaints
- COC Code of Ethics

International Olympic Committee (IOC):

- International Olympic Committee (IOC) Framework on Fairness, Inclusion and Non-Discrimination of Gender Identity and Sex Variations (November 2021)



<https://olympics.com/ioc/safe-sport>

International Skating Union (ISU): athlete safeguarding, clean, true sport initiatives, and anti-doping rules

- ISU Anti-Doping Rules
- ISU Anti-Doping Procedures
- ISU Code of Ethics
- ISU Transgender Policy
- ISU Athlete Safeguarding Policy

Kids Help Phone:

[www.kidshelpphone.ca](http://www.kidshelpphone.ca) | 1-800-668-6868

National Coaching Certification Program (NCCP):

[NCCP Code of Ethics](https://coach.ca/resource/nccp-code-ethics) (<https://coach.ca/resource/nccp-code-ethics>)  
<https://coach.ca/resource/nccp-code-ethics>

[Responsible Coaching Movement \(RCM\)](https://coach.ca/sport-safety/responsible-coaching-movement) (<https://coach.ca/sport-safety/responsible-coaching-movement>)

World Anti-Doping Agency (WADA): World Anti-doping Code and International Standards

[WADA Resources](https://www.wada-ama.org/en/resources) (<https://www.wada-ama.org/en/resources>)

### **Questions/ Contact Information**

For questions, please refer to the Safe Sport Manager or designee