

Policy Statement

Section 1 – Definitions

The below terms will have the following meanings for the purpose of this Policy:

- a. **“Adjudicative Chair”** means the individual appointed by Canlan Sports to manage a complaint that Canlan Sports determines should be handled under Process #1, as described below.
- b. **“Adjudicative Panel”** means the panel of either one (1) or three (3) people appointed by Canlan Sports to conduct a hearing of a matter handled under Process #2, as described below.
- c. **“Complainant”** means an individual or organization who submits a Complaint.
- d. **“Complaint”** means an allegation submitted to Canlan Sports, against a member participant, contract participant, or guest who has engaged in behaviour that constitutes Maltreatment including, without limitation, Maltreatment-related behaviour arising out of an alleged violation of a policy or code of conduct by which the participant, player, guest, or employee is bound.
- e. **“Contract Participant”** means all categories of persons affiliated with Canlan Sports (which include, but are not limited to, players, coaches, officials, team managers, administrators, instructors, employees, contractors, volunteers, committee members, and board members) who are subject to the policies or codes of conduct of Canlan Sports.
- f. **“Grooming”** means deliberate conduct 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.
- g. **“Maltreatment”** means a volitional act and/or omission that results in harm or has the potential for physical or psychological harm, and includes psychological maltreatment, physical maltreatment, neglect, and sexual maltreatment as those terms are defined in the UCCMS and/or this Policy.
- h. **“Member Participant”** means all categories of individual members and/or registrants of a Member (which include, but are not limited to, players, coaches, officials, team managers, administrators, instructors, employees, committee members, and board members) who are subject to the policies or codes of conduct of that Member.
- i. **“Minor”** means an individual who is under the age of 19 years old.
- j. **“OSIC”** means the Office of the Sport Integrity Commissioner.
- k. **“Party”** means a Complainant or a Respondent.
- l. **“Policy”** means this Maltreatment Complaint Management Policy.
- m. **“Power Imbalance”** means where one Contract/Member Participant has authority or control over another person, is in a position to confer, grant or deny a benefit or advancement to the person, or is responsible for the physical or psychological well-being of the other person.
- n. **“Respondent”** means the Contract Participant or Member Participant who is the subject of a Complaint.

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- o. **“SDRCC”** means the Sport Dispute Resolution Centre of Canada.
- p. **“Serious Misconduct”** means an allegation of misconduct which Canlan Sports determines, in its sole discretion, would constitute a severe form of Maltreatment, if proven.
- q. **“Sexual Maltreatment”** means any pattern or a 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 sexual integrity.
- r. **“UCCMS”** means the Universal Code of Conduct to Prevent and Address Maltreatment in Sport, as amended from time to time.
- s. **“UCCMS Participant”** means an athlete, coach, athlete support personnel, official, staff member, a contractual worker, an administrator, a volunteer or anyone else affiliated with Canlan Sports who has contractually acknowledged that they are subject to the jurisdiction of the UCCMS and OSIC.
- t. **“Violation”** means a finding that a Respondent has engaged in Maltreatment.

Section 2 – Where Can Complaints Be Submitted and How Will They Be Screened?

- 7. All Complaints against a Contract Participant or a Member Participant should be made directly to the Chief Privacy Officer, privacyofficer@canlansports.com, and should not be made to the sports complex. However, where the sports complex or a Member receives a Complaint directly, it will immediately refer the matter to the Chief Privacy Officer for handling.
- 8. The Chief Privacy Officer will conduct an initial review of any Complaint it receives to determine whether, in the Chief Privacy Officer estimation, the matter falls within the jurisdiction of OSIC or a provincial safe sport body. If it does, then before the referral occurs, the Chief Privacy Officer will notify the Complainant that they are referring the Complaint to OSIC or the relevant provincial safe sport body.
- 9. At its discretion, Canlan Sports or a Member Participant may act as the Complainant and initiate the Complaint process under the terms of this Policy. For instances where Canlan Sports is considering acting as the Complainant with respect to a matter, a decision as to whether to initiate a Complaint will be taken by Canlan Sports’ Chief Privacy Officer, in consultation with Canlan Sports’ Management Committee and Board of Directors. In all cases where Canlan Sports elect to initiate a Complaint, Canlan Sports will identify an individual to represent the organization.
- 10. Complaints should be made in writing, wherever possible. The Chief Privacy Officer may receive a Complaint that is not in writing at its sole discretion. The Chief Privacy Officer may accept anonymous Complaints.
- 11. The Chief Privacy Officer may request additional information from a Complainant during the screening process.

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12. If Complaints are received which do not contain allegations relating to a Contract Participant or a Member Participant, or a submission is received which does not contain any allegations of Maltreatment, then the Chief Privacy Officer will dismiss the Complaint or submission immediately. The Complainant will be advised regarding the reasons for the summary dismissal, and such a decision cannot be appealed. Note that even if a Complaint or submission has been summarily dismissed, there may be other avenues for the Complaint or submission to be brought. While the Chief Privacy Officer or Canlan Sports may endeavour to assist, the Chief Privacy Officer and Canlan Sports are not responsible for providing such advice or any direction to the Complainant in that regard.
13. Complaints may be brought by a Minor. Minors may, but are not required to, have a parent/guardian or other adult serve as their representative during the process set out in the Policy. For clarity, a Complaint will not be rejected on the sole basis that it was submitted by a Minor and not by a parent/guardian.

Section 3 – How Will Complaints Against Contract Participants or a Member Participant Be Managed?

14. If, after initial screening, the Chief Privacy Officer determines that a Complaint against an Contract Participant falls within the jurisdiction of this Policy, it will then determine, in its sole discretion, whether a Complaint should follow a summary procedure (“Process #1”) or a more comprehensive procedure (“Process #2”) as outlined below. At its sole discretion, the Chief Privacy Officer may request additional information from a Complainant.
15. If the Chief Privacy Officer assumes jurisdiction over a Complaint, the Respondent and the Complainant will receive a copy of the decision outlining the Chief Privacy Officer reasons for assuming jurisdiction.

Process #1

16. Following the determination that a Complaint should be handled under Process #1; the Chief Privacy Officer will appoint an Adjudicative Chair. The Chief Privacy Officer will ensure that the individual selected to serve as the Adjudicative Chair does not have any real or perceived conflict of interest with any Party or any other individual or organization which could be impacted by the outcome of the Complaint.
17. Following their appointment, the Adjudicative Chair may proceed as follows:
 - a. Propose alternative dispute resolution techniques, where appropriate;
 - b. Ask the Complainant and the Respondent for either written or oral submissions regarding the Complaint;

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- c. Conduct any additional interviews which the Adjudicative Chair believes are necessary to gather all the relevant facts; and/or
 - d. Convene the Parties to a meeting, either in person or by way of video or teleconference, for the purpose of asking the Parties questions.
18. If the Complainant is a Minor and their parent, guardian or other adult representative was involved in submitting the Complaint, the Adjudicative Chair will communicate through that Party's parent, guardian, or other adult representative. The Adjudicative Chair will always communicate with Minor Respondents through the Party's parent, guardian, or other adult representative.
 19. When the process described in paragraph 17 is complete the Adjudicative Chair will determine if a Violation occurred and if sanctions should be applied (see: **Section 4 – How Will Sanctions Be Determined?**). A short-written decision, with reasons, will be released by the Adjudicative Chair to the Chief Privacy Officer.
 20. The Chief Privacy Officer will provide a copy of the decision to the Parties, and the decision will take effect immediately.

Process #2

21. Following the determination that a Complaint should be handled under Process #2, the Chief Privacy Officer will first consider whether, given the severity of the allegations against the Respondent, any interim sanctions should be issued. At its sole discretion, where it deems it necessary or appropriate, the Chief Privacy Officer may impose interim sanctions. The Respondent and the Complainant may be invited to make submissions on interim sanctions. However, once ordered, an interim sanction cannot be appealed, takes effect immediately, and remains in place until the Chief Privacy Officer determines otherwise, or the Adjudicative Panel reaches a decision on the merits of the Complaint. The Chief Privacy Officer shall communicate, in writing and with reasons, any decision taken pursuant to this paragraph to the Parties.
22. The Chief Privacy Officer will also consider whether alternative dispute resolution methods are appropriate. If they are, the Chief Privacy Officer may order that any impacted Parties attempt to resolve the matter through such process. The Chief Privacy Officer may engage the services of the SDRCC to conduct alternative dispute resolution where it deems appropriate.
23. Where alternative dispute resolution is not appropriate or does not result in a resolution, the Chief Privacy Officer may, where warranted by the matter before it, order that the matter be investigated by an independent investigator of its choosing. Although each investigator's mandate will be determined individually, they will be instructed by the Chief Privacy Officer to conduct their investigation in accordance with the investigation guidelines found at Schedule "A" to this Policy.

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24. The Chief Privacy Officer may require any Contract Participant or a Member Participant who is not a Party to participate in an investigation. Failure to cooperate may be the basis for disciplinary action including, but not limited to, a prohibition from participation in any current or future Canlan Sports program and/or a permanent suspension from registering with Canlan Sports in any capacity.
25. After the investigation is complete (or, in circumstances where the Chief Privacy Officer has determined an investigation is not required, immediately after the Chief Privacy Officer determines that alternative dispute resolution is not appropriate or does not result in a resolution), the Chief Privacy Officer will:
 - a. Appoint an Adjudicative Panel – this may be either be a panel of one (1) or three (3), at the Chief Privacy Officer’s sole discretion and depending on the severity of the allegations;
 - b. Coordinate all administrative aspects of the process and set reasonable timelines;
 - c. Provide administrative assistance and logistical support to the Adjudicative Panel, as required; and/or
 - d. Provide any other service or support that may be necessary to ensure a fair and timely proceeding.
26. The Chief Privacy Officer will ensure that the individual or individuals selected to serve as the Adjudicative Panel do(es) not have any real or perceived conflict of interest with any Party or any other individual or organization which could be impacted by the outcome of the Complaint.
27. If the circumstances of the Complaint are such that adhering to any timelines initially set by the Chief Privacy Officer will not allow a timely resolution to the Complaint, the Chief Privacy Officer may direct that these timelines be revised.
28. Where the Chief Privacy Officer appoints a three-person Adjudicative Panel, the Chief Privacy Officer will select one member of the panel to serve as the chair.
29. The Chief Privacy Officer, in cooperation with the Adjudicative Panel, will then decide the format under which the Complaint will be heard. This decision on the format may not be appealed. The format of the hearing may be an oral in-person hearing, an oral hearing by telephone or other communication medium, a hearing based on a review of the investigation report with the benefit of either oral or written submissions from the Parties, or a combination of these methods.
30. In setting the format for the matter, the Chief Privacy Officer and the Adjudicative Panel will both keep in mind the impact the selected procedure may have on the Complainant. For instance, the format selected should avoid requiring the Complainant to re-tell their version of events multiple times throughout the course of the proceedings, unless this is absolutely necessary as a matter of procedural fairness.

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31. If the Complainant is a Minor and their parent, guardian or other adult representative was involved in submitting the Complaint, the Adjudicative Panel will communicate through that Party's parent, guardian, or other adult representative. The Adjudicative Panel will always communicate with Minor Respondents through the Party's parent, guardian, or other adult representative.
32. The hearing will be governed by the procedure that the Chief Privacy Officer and the Adjudicative Panel deem appropriate under the circumstances. The following guidelines will apply to all hearings:
 - a. The Parties will be given reasonable notice of the day, time, and place of the hearing;
 - b. The Parties may engage a representative, advisor, or legal counsel at their own expense;
 - c. Unless the Chief Privacy Officer or the Adjudicative Panel determines otherwise, the findings of the investigation report (if any) should not be relitigated and the Adjudicative Panel should avoid duplicating work already accomplished by the investigator;
 - d. A Party, who is a Minor, is not required to attend or participate in an oral hearing, if held, but their parent, guardian or other adult representative could attend on their behalf; and
 - e. The decision will be by a majority vote of the Adjudicative Panel when the Adjudicative Panel consists of three people.
33. In fulfilling their duties, the Chief Privacy Officer or the Adjudicative Panel may obtain independent advice.
34. After hearing the matter, the Adjudicative Panel will determine whether a Violation has occurred and, if so, the sanctions to be imposed. Within fourteen (14) days of the hearing's conclusion, the Adjudicative Panel's written decision, with reasons, will be distributed to all Parties by the Chief Privacy Officer.
35. In extraordinary circumstances, the Adjudicative Panel may first issue a verbal or summary decision soon after the hearing's conclusion, with the full written decision with reasons to be issued before the end of the fourteen (14) day period.

Section 4 – How Will Sanctions Be Determined?

36. Prior to determining sanctions, the Adjudicative Chair, or the Adjudicative Panel, as the case may be, will consider factors relevant to determining appropriate sanctions which may include:
 - a. The severity of the Violation;
 - b. Where applicable, the nature and duration of the Respondent's relationship with the Complainant, including whether there is a Power Imbalance;
 - c. The Respondent's prior history and any pattern of inappropriate behaviour;
 - d. The respective age of the individuals involved;

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- e. Whether the Respondent poses an ongoing and/or potential threat to the safety of others;
 - f. The Respondent's voluntary admission of the offense(s), acceptance of responsibility, and/or cooperation in the investigative and/or disciplinary process of Canlan Sports;
 - g. Real or perceived impact of the incident on the Complainant, Canlan Sports and/or its Members or the sporting community;
 - h. Circumstances specific to the Respondent being sanctioned (e.g. addiction; disability; illness);
 - i. Whether, given the facts and circumstances that have been established, continued participation in Hockey Canada-sanctioned programming is appropriate;
 - j. A Respondent who is in a position of trust, intimate contact or high-impact decision-making may face more serious sanctions; and/or
 - k. Other mitigating and aggravating circumstances.
37. Any sanction imposed must be proportionate and reasonable. Progressive discipline may be appropriate but is not required. A single incident may justify elevated or combined sanctions.
38. After considering the factors listed in paragraph 36 above, the Adjudicative Chair or Adjudicative Panel may apply the following sanctions, singularly or in combination:
- a. **Verbal or Written Warning** – A verbal reprimand or an official, written notice that an Contract or Member Participant has committed a Violation and that more severe sanctions will result should the Contract or Member Participant be involved in other Violations;
 - b. **Education** – The requirement that a Contract or Member Participant undertake specified educational or similar remedial measures to address the Violation(s);
 - c. **Probation** – The requirement that a Contract or Member Participant be placed under some form of supervision or monitoring for a certain period of time while participating in any program, activity, event, or competition sponsored by, organized by, or under the auspices of Canlan Sports. Should any further Violations occur during the probationary period, this will result in additional disciplinary measures, likely including a period of suspension or permanent ineligibility. This sanction can also include loss of privileges or other conditions, restrictions, or requirements for a specified period;
 - d. **Suspension** – Suspension, either for a set time or until further notice, from participation, in any capacity, in any program, activity, event, or competition sponsored by, organized by, or under the auspices of Canlan Sports. The reinstatement of a suspended Contract or Member Participant may be subject to certain restrictions or contingent upon the Contract or Member Participant satisfying specific conditions imposed by the Adjudicative Chair or Adjudicative Panel and noted at the time of suspension;
 - e. **Eligibility Restrictions** – Restrictions or prohibitions from some types of participation but allowing participation in other capacities under strict conditions;

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- f. **Permanent Ineligibility** – Ineligibility to participate in any capacity in any program, activity, event, or competition sponsored by, organized by, or under the auspices of Canlan Sports for the remainder of the Contract or Member Participant’s life;
 - g. **Other Discretionary Sanctions** – Other sanctions may be imposed, including, but not limited to, other loss of privileges, no contact directives, or other restrictions or conditions as deemed necessary or appropriate.
39. Sexual Maltreatment involving a Minor shall carry a presumptive sanction of permanent ineligibility.
40. Unless the Adjudicative Chair or Adjudicative Panel decides otherwise, any disciplinary sanctions will begin immediately and will remain in place pending the result of any appeal sought by the Respondent.
41. In addition to being subject to disciplinary action pursuant to this Policy, an employee of Canlan Sports who is a Respondent to a Complaint may also be subject to consequences in accordance with the employee’s employment agreement or policies for human resources, if applicable. This may take place prior to any determination of a Complaint handled pursuant to this Policy.

Section 5 – Is the Disciplinary Process Confidential?

42. The disciplinary process is confidential and involves the Parties (including, where appropriate, their guardian, parent, or other adult representative), the Chief Privacy Officer, the Adjudicative Chair or Adjudicative Panel, and any independent advisors to the Adjudicative Panel. Once initiated and until a decision is released, none of the Parties will disclose confidential information relating to the Complaint, including any interim sanction relating thereto, to any person not involved in the proceedings except to obtain legal advice or unless required by law.
43. There may be situations where the Chief Privacy Officer is required to notify an organization such as an international federation, law enforcement, insurers, Sport Canada or other agencies as required by law that a complaint alleging a breach of the UCCMS or another relevant policy or code of conduct has been filed and disciplinary proceedings have been initiated. Even where such disclosure is required, all aspects of the Complaint will still be managed by the Chief Privacy Officer in accordance with the Policy.
44. Any failure to respect the confidentiality requirement may result in sanctions by the Adjudicative Chair or Adjudicative Panel, as applicable.

Section 6 – How Will Decisions Be Recorded?

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45. After being advised of a decision by the Chief Privacy Officer, both Canlan Sports and the Chief Privacy Officer will keep a record of the decision.
46. Any decision rendered in accordance with this Policy may, at the sole discretion of the Chief Privacy Officer, be shared with other organizations, including the Members, OSIC, Sport Canada, as well as other National Sports Organizations, Multi-Sport Organizations, or Provincial/Territorial Sport Organization.
47. The Adjudicative Panel will determine whether the decision is to be made public beyond those entities listed in paragraph 46.