



U SPORTS Safe Sport Presentation June 14, 2023

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Goals

- ▶ Share the approach that CW is taking with Safe Sport.
- ▶ Open the conversation on the possibility on National alignment on Education and Prevention.
- ▶ Add clarity and reduce fear on the Complaints and investigations side.

Agenda

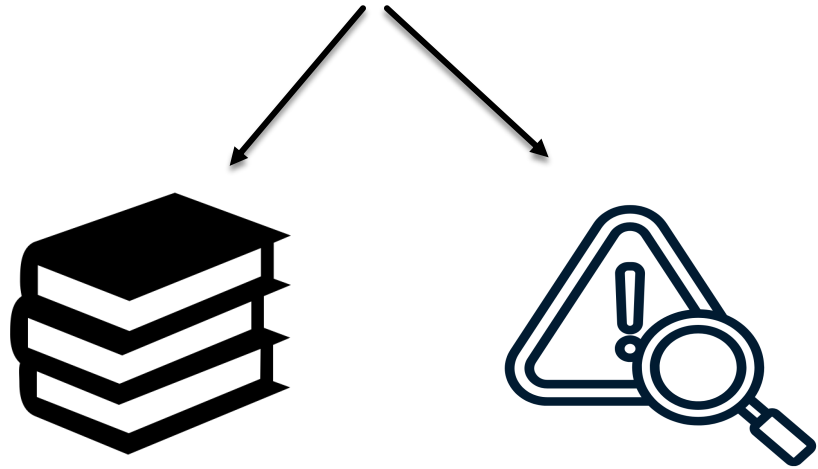
- ▶ Preview CW recommendations
- ▶ Canadian Landscape of Safe sport
- ▶ U SPORTS Approach
- ▶ CW Schools approach, more details
- ▶ Complaints and Investigations
- ▶ Wrap up and Questions

Potential Perspectives

- ▶ Institution
- ▶ Regional Conference
- ▶ U Sports

Simple Summary of CW schools approach- pending September approval

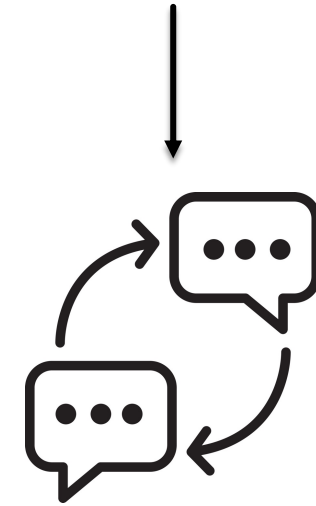
Alignment in CW



EDUCATION

PREVENTION

INDEPENDENT



**COMPLAINTS
and RESPONSE**

Canadian Landscape - UCCMS

- ▶ **Universal Code of Conduct to prevent and Address Maltreatment in Sport (UCCMS) “The Code”**
 - ▶ National multi-sport document created to provide a coordinated implementation strategy to prevent and address maltreatment across all levels of the Canadian sport system, and for all participants.

Canadian Landscape – Independent Investigations

- ▶ A key element of the UCCMS is having access to a complaints procedure that is independent and objective.

Canadian Landscape - Independent Investigation bodies

- ▶ OSIC (focused on NSO level)
 - ▶ Sport Dispute Resolution of Canada (SDRCC) and Canadian Sports Helpline created:
 - ▶ Abuse-Free Sport Group, who created:
 - ▶ OSIC – Office of the Sport Integrity Commissioner. – an independent arm to investigate violations of the UCCMS
- ▶ University based- Independent from A&R

Canadian Landscape - Education

- ▶ Education Options – examples
 - ▶ **Coaches Association of Canada – 20 minutes \$0**
 - ▶ Respect in Sport- 3 hours – Fee required
 - ▶ NCCCP Creating a positive sport environment \$15
 - ▶ C2K commit to kids – 3 hours, \$15
- ▶ Your own University Polices (examples):
 - ▶ Sexual violence prevention
 - ▶ Bullying and harassment prevention

Canadian Landscape – PSO and Clubs

- ▶ Universities are in a similar position to PSO and Clubs.
- ▶ Expectation to implement the UCCMS, without having access to the mechanism for investigations

Current U Sports Approach

- ▶ UCCMS was adopted by U SPORTS in Nov 2022 with defined boundaries. It includes U SPORTS staff, Board, and participants of National Championships and FISU events.
- ▶ Effective July 1, 2023, U SPORTS will become a program signatory to OSIC
- ▶ Complaints that fall outside UCCMS will be investigated by Sport Law (U SPORTS 3rd party Investigations group) These are policy 90.20 A, and 90.20 B complaints.

CW Schools Aligned Approach - Education and Prevention

- ▶ Adopt the Universal code (**with exclusions**)
- ▶ Implement consistent education (CAC Safe Sport training-**Modified**)
- ▶ **Modify the rule of two** (from the CAC training)
- ▶ **Add clarity and examples that still allow for judgement**
- ▶ Keep complaints and investigations specific to each institution

Adopt Key Elements of Universal Code (UCCMS)- Sections 1-5

- ▶ psychological maltreatment
- ▶ physical maltreatment,
- ▶ neglect,
- ▶ sexual maltreatment,
- ▶ grooming,
- ▶ boundary transgressions
- ▶ discrimination
- ▶ subjecting a participant to the risk of maltreatment
- ▶ aiding and abetting
- ▶ failure to report
- ▶ intentionally reporting a false allegation
- ▶ interference with or manipulation of process
- ▶ retaliation

Excluded Elements in UCCMS- Sec. 6-8

- ▶ Other proceedings and Recognition of sanctions:
 - ▶ Criminal Code
 - ▶ Findings from other proceedings
- ▶ Range of possible sanctions
- ▶ Temporary or provisional measures
- ▶ Types of sanctions (and presumptive sanctions)
- ▶ Public Disclosure

Safe Sport Framework for University Programs ([Document](#))

- ▶ Modified Rule of two – in person and digital
- ▶ Travel
- ▶ Accommodations
- ▶ Change spaces
- ▶ Professional Practitioners
- ▶ Grooming- adding clarity
- ▶ Managing Mistakes or Issues

Rule of Two- from CAC

RULE OF TWO

The goal of the **Rule of Two** is to ensure all interactions and communications are open, observable and justifiable. Its purpose is to protect participants (especially minors) and coaches in potentially vulnerable situations by ensuring more than one adult is present. There may be exceptions for emergency situations.



GOOD RULE OF TWO IMPLEMENTATION PRACTICES

- The coach is never alone and out of sight with a participant without another screened coach or screened adult (parent or volunteer) present.

2.1 Rule of Two modifications

- ▶ One on one digital communication is allowed for appropriate topics on appropriate platforms – for all University age groups
- ▶ One on one meetings are allowed in specific physical locations

2.4 Team Change spaces

- ▶ Outlines expectations regardless of gender or sexual orientation.
- ▶ Identifies problematic locker room behavior between participants and creates accountability if this is being ignored by sport leaders

2.5 Professional Practitioners

- ▶ Gives clear guidelines on how safe sport guidelines related to medical and para-medical practitioners.
- ▶ Discuss consent as it relates to coaches treating athletes with professional skills

2.7 Definition clarification

- ▶ University Sport includes inherent physical and mental performance elements required for training, competition, playing time, or safety. There are statements in UCCMS regarding disabilities (2.3.2), and neglect relating to physical ability (5.4.1) as well as in the Appendix under discrimination. These statements or others like them **do not prevent 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 an individual or a class of individuals affected would impose undue hardship on the Participant and/or Adopting Organization that would have to accommodate those needs, considering health, safety, cost, and legitimate sport objectives.

2.8 Support and Resources in case of a Mistake/Issue

- ▶ Good Judgement is always required in the university sport environment. There may be circumstance that require a deviation from the prevention outlined above. In the event that best practices outlined above could not be met, the Director must be notified within a reasonable timeframe (typically several hours).

5.11.1 Failure to Report

- ▶ We are recommending we remove participants from the University policy, but awaiting feedback from legal:
- ▶ It is a violation for any adult *Participant* who knew or ought to have known of a *Participant's Prohibited Behaviour* toward another person to fail to *Report* such conduct. For clarity, a *Participant* is not obligated to *Report* an instance of *Prohibited Behaviour* to which they were personally subject.

Complaints and Investigations

- ▶ At an institutional level

Complaints and Response – Start where you are.

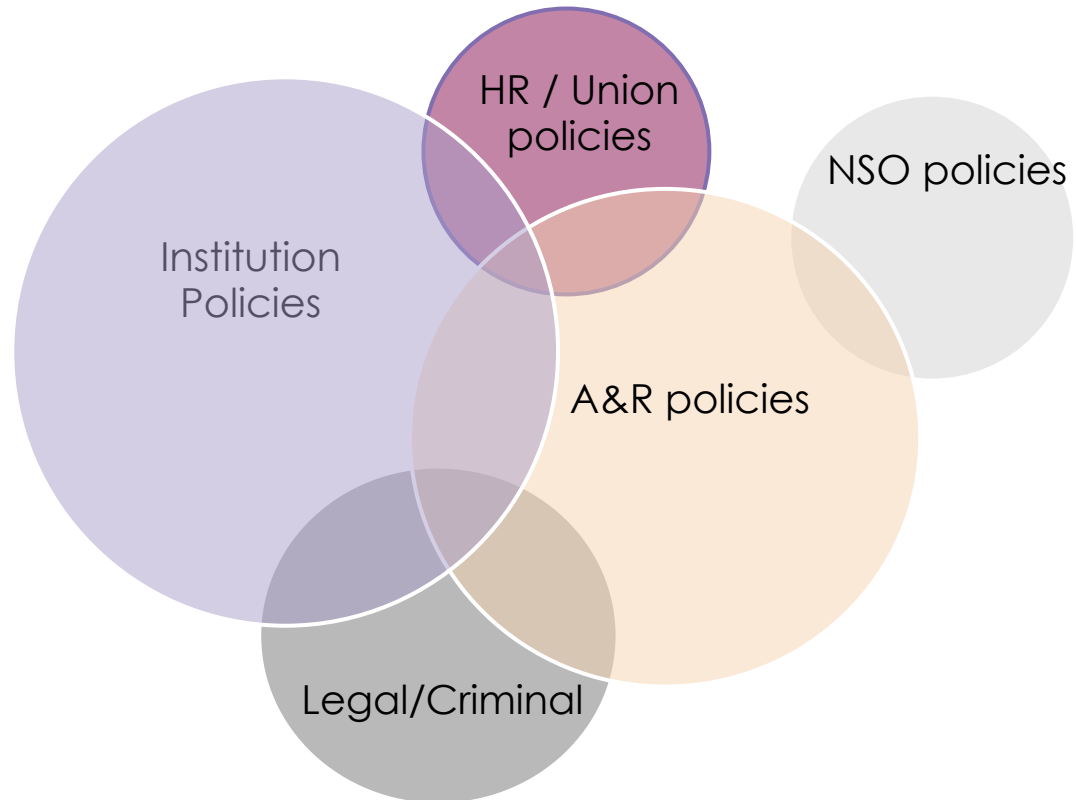
- ▶ You already have something in place, because you already manage complaints.
- ▶ Not having the UCCMS or the supporting document in place, do not prevent you from receiving complaints.
- ▶ If you have a significant issue, and don't have an independent unit set up within your Institute, you could hire an independent firm to lead the investigation.

Complaints intake process - Options

- ▶ Verbal
- ▶ Written
- ▶ Ombuds person (independent)
- ▶ Comfortable – well know staff connection

- ▶ Clear difference between a disclosure and a more formal complaint.

Overlapping Jurisdictions



You need a mechanism to determine who manages a complaint and what policies apply.

Three potential levels of complaints procedures

- ▶ 1. Informal
- ▶ 2. Internal Investigations A&R
- ▶ 3. Independent Investigations

Who decides where the complaint lands, if it can be appealed, and if it can move up a level?

Common Policies at an institutional level

A&R Policy	University Policy
Universal Code of Conduct	Non Academic misconduct
Athlete Code of conduct	Academic misconduct
Athlete Handbook	Sexual violence prevention
Concussion and Return to play	Harassment and Bullying
Hazing Policy	
Mental Health	

Build a Road Map

- ▶ Outline your department and University policies
- ▶ Identify cross over points and gaps.
- ▶ Set terms for complaints and investigations (with legal support)
- ▶ Set terms for interim actions
- ▶ Set terms for escalation and appeals
- ▶ Have clear terms on who makes decisions in each scenario and what parameters they use to make those decisions.

Wrap up - recommendations

- ▶ Maximize alignment on the education and prevention side of Safe Sport practices.
- ▶ Recommend that each Institution uses an independent investigations unit from within their school, or decides to contract out.
- ▶ Consider creating a framework for investigations so Universities have strong starting place to implement the complaints and investigations.

Questions?