



Policy #

Policy Title **Misconduct Reporting and Resolution Policy**

Policy Owner(s) Division / Department	Safe Sport / CEO
Effective Date	September 24, 2024
Last Review Date	September 24, 2024
Applicable Laws, Regulations, or Other Identified Risks	<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 Olympic Committee (COC) Policy on the Management of Safe Sport Complaints; COC Code of Ethics; Canadian Sport Policy, International Skating Union (ISU) Code of Ethics, ISU Athlete Safeguarding Policy, ISU Constitution and Regulations, ISU Medical Guide, Universal Code of Conduct to Prevent and Address Maltreatment in Sport (UCCMS)</p> <p><i>*Current and in force and effect, and as may be amended from time to time</i></p> <p>Risks: Strategic, Compliance, Operational, Reputational</p>

Policy Statement

The vision of Skate Canada is to inspire everyone to experience the joy of skating. In pursuit of that objective, Skate Canada places the highest priority on ensuring there is a safe, accessible, welcoming, inclusive, and respectful environment for everyone, striving to ensure equity and encourage diversity. It is Skate Canada’s goal and commitment to be a leading Safe Sport organization in Canada and internationally that treats individuals with respect, integrity, dignity, and fairness in alignment with 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 (all as defined within this Policy). In support of Skate Canada’s vision and core values, this Misconduct Reporting and Resolution Policy



(“Policy”) has been established to ensure that we are providing the safest possible environment for everyone in the skating community. This Policy promotes awareness, fairness, equity, transparency, prevention and the appropriate timely response and resolution of reported violations to this Policy.

Critical to creating and maintaining a safe environment is the establishment of preventative measures and having accessible reporting and resolution mechanisms in place to provide fair and equitable treatment of all components of Skate Canada’s National Safe Sport Program. This includes the fair and impartial management of complaints of misconduct.

This Policy outlines the available reporting and resolution mechanisms related to complaints of alleged, suspected, or actual misconduct. This Policy is intended to encourage and enable the individuals to whom this Policy applies to raise concerns so that an inappropriate action, behaviour and/or conduct can be addressed and/or corrected. It is important to note that in order to ensure independence with respect to complaints related to misconduct, reporting and resolution, as required, is through a confidential independent third-party external authority as designated and retained by Skate Canada to receive and resolve reports, which provides for anonymity should the reporting individual prefer it.

Background / Rationale

This Policy is designed to support the Skate Canada National Safe Sport Program and serves as a control to help safeguard the environment, welfare, and rights of everyone involved with Skate Canada. The safety and protection of everyone in our skating community from misconduct is of paramount importance. The focus of this Policy is on the collective roles, responsibilities, and practices of everyone involved in the skating community, including the critical role of Skate Canada, clubs, skating schools, and sections, to work together in partnership to ensure an optimal operating environment where the safety of our skaters is our priority at all times. Specifically, it is imperative that each of our respective organizations in the skating community work to prevent actions and situations that would give rise to misconduct, and that there is a timely and appropriate response to complaints of suspected or actual misconduct. It is in the interest everyone involved with Skate Canada that such concerns be reported in good faith so that they can be properly addressed and corrected.

Through this Policy, Skate Canada endorses and adopts the Universal Code of Conduct to Prevent and Address Maltreatment in Sport (UCCMS). The UCCMS is the core document, first published in 2019, that sets harmonized rules to advance a respectful sport culture that delivers quality, inclusive, accessible, welcoming, and safe sport experiences. Any changes in the UCCMS are automatically adopted by Skate Canada as applicable.



In addition, integral to Safe Sport is the adoption of industry standards and support services provided by or in partnership with Skate Canada, together with government and industry. Examples include the Government of Canada/Sports Canada Ethics in Sport, Canadian Sport Policy, Sport Canada, Coaching Association Code of Ethics, COC Policy on the Management of Safe Sport Complaints, ISU Athlete Safeguarding Policy, and the ISU Code of Ethics.

In September 2020, Skate Canada created the Skate-Safe program available to all individuals which serves as an independent safe sport mechanism to implement this Policy, which includes the UCCMS, and exists independently of the Skate Canada Safe Sport Program. Through the Skate-Safe program an independent external third-party Case Manager was retained as an external authority with responsibility for the end-to-end management of reports all complaints of misconduct received from individuals through the Skate-Safe program, including the independent review of the complaint of misconduct, the investigation (as appropriate) and resolution process, and final decision and disciplinary action.

In July 2021, the Sport Dispute Resolution Centre of Canada (SDRCC) received the mandate from the Government of Canada to establish an independent safe sport mechanism to implement the UCCMS at the national level for federally funded sports organizations. This led to the creation of the Abuse-Free Sport program by the SDRCC in June 2022 and the creation of the Office of the Sports Integrity Commissioner (OSIC) with responsibility for administering the UCCMS and exists as an independent division of the SDRCC's Abuse-Free Sport program. Effective December 31, 2022 (Effective Date), Skate Canada retained the services of the SDRCC as an independent third-party external authority for the implementation, administration, and enforcement of the UCCMS for program signatories only. Subject to this Policy, complaints or reports of violations of the UCCMS (maltreatment and prohibited behaviours, both as defined under the UCCMS) by a program signatory occurring after the Effective Date and falling within the jurisdiction of the UCCMS shall be governed by the policies and procedures of the SDRCC's Abuse-Free Sport Program).

IMPORTANT NOTE: All individuals, except program signatories, will continue reporting complaints of misconduct through the Case Manager under the Skate-Safe program.

Definitions

Certain terms used herein may not be capitalized; however, for the purposes of this Policy, 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

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 olympic 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 Policy and/or the Procedure



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

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

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

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

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 Policy

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 of Skate



Canada, members of the operating committees of Skate Canada, Skate Canada sections (included for the purposes of this Policy), 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*> : 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 Policy includes without limitation (all as defined within this Policy):

- prohibited behaviours <comportements prohibés> as defined in the UCCMS including
 - maltreatment <maltraitance> (including:
 - psychological maltreatment <la maltraitance psychologique>;
 - physical maltreatment <la maltraitance physique>;
 - neglect <la négligence>;
 - sexual maltreatment <la maltraitance sexuelle>, including sexual maltreatment of a minor, and sexual harassment <le harcèlement sexuel>; and
 - grooming <le conditionnement>.)
 - boundary transgressions <transgression des limites>;
 - discrimination <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 <représailles>.



- abuse <abus>;
- abuse of authority <abus de pouvoir>;
- bullying and/or abusive behaviour <intimidation et comportement abusive>;
- harassment <harcèlement>; and
- Intimidation <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 the 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 for Skate Canada for program signatories (as defined within this Policy); 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

physical maltreatment <maltraitance physique> : as defined in the UCCMS, means a 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 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 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 or 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 Policy to an independent external authority (i.e., Skate-Safe or Abuse-Free Sport, as applicable) as designated by Skate Canada to receive complaints regarding an alleged or suspected violation of this Policy

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



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 Policy), 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 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.

Policy Scope/Applicability

This Policy applies to all individuals, as defined within this Policy. It is everyone’s responsibility to ensure a safe, welcoming, inclusive, and respectful environment.

This Policy applies to all complaints of alleged, actual or suspected act, conduct and/or behaviour of misconduct, as defined within this Policy. All individuals are responsible for knowing what constitutes misconduct. In addition, all individuals should recognize that the categories of misconduct are not mutually exclusive, nor are the examples provided an exhaustive list.

This Policy 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 this Policy.

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



This Policy 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.

This Policy applies to an individual's action, conduct, and/or behaviour outside of Skate Canada's business, activities, environment, and events when such conduct, action, and/or behaviour:

- adversely affects relationships within Skate Canada (and its work and sport environment)
- is detrimental to the image and reputation of Skate Canada
- could undermine the integrity of sport
- is sufficiently serious and significant as to be of importance to skating and/or of importance to the overall ability of Skate Canada to discharge its objectives
- has a serious and detrimental impact on another individual

Important Note:

The physical location(s) of where the actual and/or suspected act, conduct and/or behaviour occurred is not determinative. The applicability of the individual's conduct outside of Skate Canada's business, activities, and events will be determined by Skate Canada or by the external authorities as designated by Skate Canada, each at their sole discretion.

This Policy does not prevent temporary and/or immediate disciplinary action, including the imposition of a sanction or membership revocation from being applied as reasonably required by Skate Canada. Depending on the nature of the information received from 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) or at the recommendation of the external authority as designated by Skate Canada, if an individual's action, conduct and/or behaviour is of a serious nature, immediate disciplinary action may be taken, as applicable and appropriate, including and up to immediate suspension or expulsion of membership or status as a registrant with Skate Canada or permanent removal as an inductee to the Skate Canada Hall of Fame (as applicable).

Violations of this Policy may result in a warning, reprimand, restrictions, suspension, or other disciplinary actions up to and including expulsion, as applicable and appropriate, and/or as permitted by the Bylaws. For coaches, a violation may also result in a status change to 'not in good standing' or such other status as may be in place from time to time.



Any infractions or complaints occurring at a Skate Canada endorsed competition and/or event by an organization other than Skate Canada will be dealt with by the procedures and processes specific to that competition and/or event (e.g., ISU, Olympics, etc.). Violations that result in a sanction, penalty, and/or other disciplinary measure imposed by other authorities will in no way limit the right of Skate Canada to act and/or impose disciplinary action within the authority of Skate Canada.

This Policy establishes the Misconduct Reporting and Resolution Procedure (“Procedure”), which is designed to outline the procedures related to reports and complaints of alleged, suspected, or actual misconduct received by the Case Manager through the Skate-Safe process and ensure an appropriate and timely resolution of these reports through this independent external reporting and resolution process.

All complaints or reports of incidents of maltreatment (as defined under the UCCMS) by program signatories falling within the jurisdiction of OSIC through the Abuse-Free Sport process shall be governed by the policies and procedures of the SDRCC’s OSIC Abuse-Free Sport program.

This Policy is also to be read in conjunction with the Skate Canada Code of Ethics, the Trans Inclusion Protocol, the Inclusion and Diversity Framework and the Equity, Diversity, and Inclusion Statement.

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 this Policy in order to determine whether a violation of this Policy has occurred.

This Policy does not apply to matters where there are other Skate Canada policies in place, including but not limited to the Anti-Doping Policy, and the policy and appeals procedures related to the international competition and carding selection processes.

Policy Requirements

Skate Canada’s goal and commitment is to be a leading Safe Sport organization in Canada and internationally. As part of this pledge, Skate Canada is committed to an environment free of misconduct. If misconduct is present, and/or could result in or have the potential to result in physical or psychological harm, it must be mitigated, and appropriate sanctions imposed as misconduct is unacceptable and contrary to the vision, mission and values of Skate Canada and the core values that lie at the heart of Safe Sport.



Guiding Principles

- I. Promoting a Safe Sport environment and culture, including the security, safe practices, and treatment of everyone with integrity, respect, dignity, fairness, and inclusion, in support of our core values
- II. Protecting the safety and welfare of everyone through preventative measures, including comprehensive policies and protocols, risk identification and management, education, training, resources, and communication and awareness
- III. Providing an accessible, external, and independent reporting and resolution process for complaints of misconduct that is confidential, compassionate, fair, comprehensive, transparent, trauma-informed, evidence-driven, expert-informed, and independent; ensures timely resolution; sanction considerations include proportionality and reasonability relative to the misconduct that has occurred; and is without reprisal for complaints of actual or suspected misconduct.

Reporting and Complaint Resolution Process

An appropriately qualified independent external authority, as designated and retained by Skate Canada, will be appointed to provide an expert and objective facilitation for the reporting and resolution of all alleged, actual, or suspected complaints of misconduct in support of Skate Canada's commitment to Canada's Safe Sport movement. Such appointment is not appealable. Complaints of misconduct raised through the Case Manager for Skate-Safe or OSIC for Abuse-Free Sport, in accordance with the applicable policies and procedures, provides for a confidential and external, independent, and impartial review, investigation (as applicable) and resolution process, and final disposition of all reports of misconduct.

The Case Manager for Skate-Safe or the OSIC for Abuse-Free Sport, as applicable, may accept any complaint at their sole discretion.

For all individuals, except designated OSIC Abuse-Free Sport program signatories, concerns and/or violations of this Policy are to be reported to a Case Manager through our independent Skate-Safe program on a confidential basis as follows:

Online: www.skate-safe.ca

Telephone: 1-833-723-3758

For complaints made through the Case Manager of the Skate-Safe program, the Case Manager will be responsible for receiving and addressing the complaint accordingly and maintaining oversight at all stages of the process to ensure an independent review, investigation (as appropriate) and timely resolution.



If Skate Canada as part of Safe Sport or the Case Manager for the Skate-Safe program receives a complaint that should have been reported to OSIC through the Abuse-Free Sport process, the report will be redirected to OSIC to manage in accordance with their policies and procedures and notify the individual(s) that made the complaint of such action.

Reference: For complete details on Safe Sport reporting to the Case Manager through the Skate-Safe program, including complaint management and resolution processes (including decisions and appeals), refer to the Misconduct Reporting and Resolution Procedure

For designated program signatories only, concerns and/or violations of this Policy are to be reported to OSIC through the Abuse-Free Sport independent safe sport program on a confidential basis as follows:

Online: <https://sportintegritycommissioner.ca>

For complaints made through the OSIC Abuse-Free Sport process by program signatories, OSIC will be responsible for receiving and addressing the complaint and maintaining oversight at all stages of the process to ensure an independent review, investigation (as appropriate) and timely resolution. All processes required for the administration of the UCCMS will be addressed in accordance with the policies and procedures of the OSIC and DSO.

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

Reference: For complete details on Safe Sport reporting to OSIC through Abuse-Free Sport program, including the reporting, complaint management and resolution process (including decisions and appeals), refer to [Abuse-Free Sport](#)

IMPORTANT NOTES:

- 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 this Policy and the 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.

- In the event that OSIC does not accept a complaint made by or against a Skate Canada program signatory, such complaint will be managed in accordance with this Policy through Skate Canada's Skate-Safe process.
- Nothing in this section of the Policy or the Policy as a whole or any Skate Canada policy prohibits, is intended to prohibit, Skate Canada from:
 - Exercising its lawful rights to communicate with or report violations of law or regulations to a government authority, recognized self-regulated organization (e.g., child welfare authority), the police or law enforcement agency (collectively referred to in this section as 'governing authority'); or
 - Cooperating with or participating in any investigation or proceeding conducted by a governing authority

Decisions / Sanctions

Skate-Safe Decisions / Sanctions of the Case Manager

For reports made through the Skate-Safe reporting process, after reviewing the matter of misconduct, a determination will be made by the Case Manager regarding whether a violation of this Policy and/or related Skate Canada policies and procedures has occurred, and if so, the sanction to be imposed. Any sanction(s) imposed will take effect immediately, notwithstanding an appeal to the Board.

The sanctions, penalties, and/or disciplinary measures imposed will be proportionate to, and reflective of, the nature and severity of the violation, and may involve one or more of a series of disciplinary measures, including but not limited to suspension or expulsion from activities, programs, events, competitions, membership, and / or status as a registrant in Skate Canada, on such terms and conditions, if any, are deemed appropriate or necessary and in accordance with Skate Canada policies, procedures, and Bylaws as applicable. 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 applicable Skate Canada policies and procedures. The decision and/or sanction imposed will be considered a matter of public record unless decided otherwise by Skate Canada or it is prohibited by law.



OSIC Abuse-Free Sport Decisions / Sanctions

For reports received through the OSIC Abuse-Free Sport reporting process, after reviewing the matter, the Sport Integrity Commissioner of OSIC may make a recommendation regarding a sanction if warranted. The recommendation will be transferred to the DSO, who will consider the OSIC Sport Integrity Commissioner's recommendation and make a decision, which could include imposing a sanction.

Sanctions or Penalties of Other Authorities

Skate Canada will respect any sanction, penalty and/or disciplinary measure imposed pursuant to the breach of related external policies (e.g., SDRCC UCCMS, COC Code to Address Maltreatment in Sport, ISU Athlete Safeguarding Policy, etc.), whether the penalty or sanction is imposed by other authorities, such as but not limited to, DSO as recommended by OSIC under the Abuse-Free Sport process, the COC or ISU to the extent of their authority.

The sanction, penalty and/or disciplinary measure will be implemented within Skate Canada's jurisdiction, once Skate Canada receives appropriate notice of any sanction or measure from the applicable authority.

The sanction, penalty, and/or other disciplinary measure imposed by other authorities will in no way limit the right of Skate Canada to act and/or impose disciplinary action within the authority of Skate Canada.

Appeal Process

Appeal Process to Decisions of the Skate-Safe Case Manager

The decision of the Skate-Safe Case Manager related to this Policy may be appealed to the Board, only in accordance with this Policy and the Procedure, if and as applicable. Not all decisions may be appealed. An appellant cannot challenge a decision only on the grounds that it is not favourable to them. Decisions of the Case Manager may only be appealed on procedural grounds ("Grounds for Appeal") where it has been demonstrated that:

- a decision was made outside of the authority or jurisdiction, as set out in Skate Canada's governing documents;
- procedures were not followed as laid out in the Bylaws or approved policies of Skate Canada;
- a decision was influenced by bias, where bias is defined as a lack of neutrality to such an extent that the decision-maker is unable to consider



other views, and/or that the decision was made on the basis of, or was significantly influenced by factors unrelated to the substance or merits of the matter;

- discretion was exercised for an improper purpose; and/or
- a decision was made that was extreme and obviously unreasonable.

The individual appealing the decision will bear the onus of proof in the appeal, and must demonstrate, on a balance of probabilities, that the Case Manager as the decision-maker has made an error as described in the Grounds for Appeal set above in this Policy and that this error had, or may reasonably have had, a material effect on the decision or the Case Manager as the decision-maker. In addition, the individual appealing the decision must have abided by the terms of the resolution process in all respects, including but not limited to complying with the confidentiality restrictions as outlined in this Policy, and submission of the appeal within the required timeline as outlined in the Procedure, failing which the appeal may be denied.

The Board will review the written Notice of Appeal and, at its sole discretion, determine if there are sufficient grounds for appeal. In fulfilling its duties, the Board will engage an independent external legal advisor to oversee the review process of the written Notice of Appeal in accordance with the Procedure, including but not limited to the screening of the appeal and recommendation to the Board for final decision.

Appeal Process to Decisions of the DSO

Decisions (including sanctions imposed) made by the DSO may be appealed to the Safeguarding Tribunal in accordance with the Canadian Sport Dispute Resolution Code.

Appeal Process to Decisions of the ISU

Decisions (including sanctions imposed) made by the ISU may be appealed to the ISU in accordance with the ISU Constitution and General Regulations.

Criminal Code Convictions

An individual's conviction for an offence as listed below and any other offences under the *Criminal Code*, as determined by Skate Canada, will be deemed an infraction of misconduct



under this Policy and will result in immediate permanent expulsion from Skate Canada, including permanent removal as an inductee from the Hall of Fame (if applicable).

- any sexual offences, including but not limited to child pornography, sexual exploitation, sexual assault
- any offence of violence, including but not limited to assault of any kind, failing to provide the necessities of life, criminal negligence, intimidation
- any drug offences, including but not limited to illegal drug trafficking and possession

Confidentiality

Skate-Safe Reporting Confidentiality

The Skate-Safe complaint reporting, and management resolution process is confidential (subject to the exceptions noted below) and involves only those individuals whose involvement is required as part of the process, in accordance with applicable policies and procedures.

The identity of the parties (if known) and/or information about the complaint may be disclosed by the Case Manager to individuals who are appropriately involved in the process (which may include the relevant sport organization, the primary parties and their representatives, as applicable, investigator, legal counsel, medical experts, mediator, and witnesses), on an 'as needed' basis.

For instance, for procedural fairness, the respondent may be allowed, when considered appropriate by the Case Manager, to know the details of the allegations made against the respondent pursuant to the complaint. The relevant sport organization may also need to know the complainant's and/or respondent's identity to keep them and others safe, disciplinary measures, and to cooperate with any preliminary assessment, investigation, or other process regarding the complaint, as outlined in the Procedure.

Once a complaint of misconduct has been reported and until a decision is released, to protect the interests of all parties, no individual (including all parties involved in the complaint as parties, NSO, potential and/or actual witnesses) is permitted to disclose either the existence of a complaint or confidential information or records that form part of the investigation of the complaint to any individual outside of the complaint except as strictly required for the purposes of investigating, obtaining legal advice, taking corrective action with respect to the complaint, as required by the insurance provider of Skate Canada for report incidents that are likely to give rise to a claim, or as otherwise compelled by law.



The Case Manager and/or Skate Canada, as applicable, will take every step possible to maintain the confidentiality of the complainant (if known), complaint, inquiry or record thereof, including contents of meetings, interviews, results of investigations, the discipline and other information only to the extent practical and appropriate and except as required by law, however, this cannot be fully guaranteed. The Case Manager must report incidents that are likely to give rise to a claim to its insurance provider at the time the Case Manager is made aware of the incident. Moreover, there may be cases in which confidentiality is not feasible, including but not limited to, where there is a legal duty to report, where it may impede the investigation, where an immediate temporary suspension of membership or status as a registrant is required pending the outcome of the investigation and disciplinary process and/or final decision on the outcome of the investigation. In accordance with applicable laws, all instances of a misconduct incident shall be regarded as confidential, and personal information (including name, date of birth, address) will not be disclosed, except in limited circumstances. For example, if disclosure is necessary based on the circumstances to protect someone from harm and/or abuse, or if a potential criminal act could be involved, or otherwise as required by law.

In certain circumstances, Skate Canada and/or the Case Manager, as applicable, is obligated by law (legal duty to report) or by order of a tribunal of competent jurisdiction to disclose confidential information regardless of whether consent is provided.

Any breach of the confidentiality requirements as outlined herein will be treated as a serious offence. The individual who breached the confidentiality requirements may be subject to disciplinary action, at the sole discretion of Skate Canada.

Despite any duty of confidentiality, Skate Canada and/or the Case Manager (as applicable) are legally obligated to contact a child's parents or legal guardian and/or relevant law enforcement officials, and/or provincial/territorial social service ministries or departments, and/or child welfare authorities (e.g., children's aid society or child and family services agencies) in certain circumstances (where there is a legal duty to report potential (actual or suspected) abuse and neglect of a minor under Canadian child welfare laws). The Case Manager shall not be responsible for fulfilling the aforementioned obligation if the individual filing the report confirms in writing that they have already reported to any such authorities.



The Case Manager may disclose non-distinguishing information of individual cases for the purpose of consultation, or reporting. In these circumstances, the Case Manager will only share the minimum information required.

In addition, confidentiality will be applied in a manner consistent with the Skate Canada Privacy Code.

OSIC Abuse-Free Sport Reporting Confidentiality

Confidentiality will be applied in a manner consistent with the OSIC Confidentiality Policy.

Records and Distribution of Decisions

Records of all decisions, including all supporting documentation (for example, investigation reports, any corrective action taken, notes, etc.), will be maintained by the external authority designated by Skate Canada.

Case Manager Skate-Safe Reporting Records and Distribution of Decisions

For records of all reports and decisions managed through the Skate-Safe reporting process, the records will be maintained by the Case Manager and Skate Canada, in a secure location in accordance with the Skate Canada Record Retention Policy for a minimum of 10 years after the date of final resolution. After that time, an assessment will be made to determine what will be kept for a longer period of time or in perpetuity.

Other persons or organizations, including but not limited to, national (domestic and international as applicable) and provincial/territorial sport organizations, sections, clubs, skating schools, Sport Canada, OSIC, SDRCC, ISU, COC, etc., may be advised of any decisions rendered in accordance with this Policy and the Procedure, as applicable.

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 activities of Skate Canada has in some way been restricted will be maintained in a manner determined by Skate Canada, which may include being publicly available. If an individual was sanctioned and subsequently reinstated with no conditions by Skate Canada within the past five (5) years,



Skate Canada may answer questions regarding the suspension, at the sole discretion of Skate Canada.

OSIC Abuse-Free Sport Reporting Records and Distribution of Decisions

For records of reports handled through the Abuse-Free Sport reporting process, records of all complaints, including the report, OSIC preliminary assessment report and/or investigation report, independent investigator's file and notes, or a decision of the DSO or SDRCC (in accordance with respective policies & procedures of the DSO and the SDRCC) received by OSIC, including information received further to an information request by OSIC, will be maintained by OSIC. All records will be kept confidential to the extent possible. The records will not be disclosed unless necessary as part of the complaint management and resolution process, take other action in accordance with OSIC policies & procedures, the UCCMS, and/or as required by law.

No Retaliation for good faith reports

Retaliation against an individual who has reported an incident of misconduct in good faith will not be tolerated and any individual who retaliates is subject to discipline up to and including expulsion.

Obligation to report

Everyone is encouraged to report any actual or suspected behaviour or action of misconduct in accordance with this Policy to the external authority, as applicable and as designated by Skate Canada to receive reports.

Reporting may occur by either: (i) an individual who experienced the misconduct, or (ii) an individual who witnessed the misconduct or otherwise knows or reasonably believes that misconduct or a risk of misconduct exists. For clarity, an individual is not obligated to report an instance of misconduct to which they were personally subject.

It is important to note that where information regarding an individual's misconduct toward another adult individual (both of whom are subject to this Policy) is made known through an explicit confidential disclosure, the adult individual is not required to report the information obtained through that disclosure.



Further, the reporting obligation is ongoing through resolution of the misconduct report to ensure that all relevant information is reported as it becomes aware or known to the reporting individual.

Acting in good faith

Anyone reporting a concern 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 vexatious, malicious, or intentionally false will be viewed as a serious offence, subject to disciplinary action.

Roles and Accountabilities

Creating and maintaining a safe, professional, respectful and inclusive environment that is free from misconduct, and that treats everyone with respect, dignity and fairness in support of our core values is the responsibility of everyone within the skating community working together in partnership. To achieve and support a Safe Sport environment, all individuals are required to understand and comply with this Policy.

Skate Canada

Skate Canada will take all reasonable steps to implement the necessary preventative measures and respond to any Safe Sport reported occurrence of misconduct. Skate Canada will collaborate with the federal government, international federations, and NSOs, as well as applicable partners to support and advance Safe Sport programs.

Board

The Board has overall accountability for the approval and oversight of this Policy to ensure that this Policy is consistent with the strategic direction, objectives, and strategic plans of Skate Canada.

CEO

The Board has assigned the responsibility for the implementation of this Policy and the Procedure to the CEO, including ensuring the organization has the appropriate resources to develop ongoing prevention measures, operational procedures and practices for Safe Sport, the development of an evaluation system that regularly monitors the effectiveness of initiatives in Safe Sport, and an ongoing and ever-evolving communication and partnership strategy within the skating community to ensure a Safe Sport environment for everyone.



Safe Sport Manager

The Safe Sport Manager, who has responsibility for the Safe Sport program, is responsible for supporting the day to day implementation and ongoing evolution (subject to Board approval), application and maintenance of this Policy, the Procedure, and of the National Safe Sport Program, and to meet the goals as outlined under “Guiding Principles” within this Policy in the Policy Requirements section.

Case Manager

The Case Manager is responsible for the end-to-end management of reports of complaints of misconduct through the Skate-Safe program, including the independent review of the complaint of misconduct, the investigation (as appropriate) and resolution process, and final decision.

Office of Sport Integrity Commissioner (OSIC)

OSIC contributes to the advancement of the UCCMS through its responsibility for the complaint management process for all complaints received through the Abuse-Free Sport reporting process, including the authority to administer the UCCMS and recommend the imposition of sanctions against program signatories to the DSO.

Director of Sanctions and Outcomes (DSO)

The DSO is responsible for defending the interests of safe sport. Fully independent and reporting to the Maltreatment in Sports Council, the DSO has complete authority to impose sanctions on program signatories of NSOs that have signed onto the Abuse-Free Sport program.

Legal Advisor

The legal advisor is responsible for 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, providing a recommendation to the Board on how to proceed with the appeal.

Individuals

All individuals are responsible for:

- being familiar with, understanding and complying with the provisions of this Policy, the Procedure, and the Code of Ethics, as well as other applicable Skate Canada policies and protocols, including those specifically identified in this Policy (including, but not limited to, Anti-Doping Policy, Concussion Management Policy, Concussion Protocol, Safe Sport Handbook (including helmet use), Incidents of Injury Reporting and Management Policy, Privacy Code, Trans Inclusion Protocol)



- being familiar with, understanding and complying with the provisions of the UCCMS, and the Canadian Sport Policy
- treating everyone with professionalism, integrity, respect, inclusiveness, dignity, and fairness in alignment with our core values
- supporting Skate Canada's vision of providing the safest possible environment for everyone in the skating community
- reporting any wrongdoing or concerns as outlined in this Policy
- protecting all individuals who report complaints of actual or suspected misconduct from retaliation or reprisal
- completing all applicable education and training, as prescribed from time to time

Program Signatories

In addition to the responsibilities outlined for an individual, program signatories are responsible for:

- being familiar with, understanding, and complying with the provisions of the COC Policy on the Management of Safe Sport Complaints, COC Code of Ethics, ISU Code of Ethics, and the ISU Athlete Safeguarding Policy
- expressly consenting to abide by the requirements of the OSIC Abuse-Free Sport process until they are removed as a program signatory

Controls and Monitoring

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

- Establishment, oversight and continuous updating of policies, procedures, and best guidelines related to Safe Sport
- Evaluation of the effectiveness of the evaluation system that regularly monitors the effectiveness of initiatives in Safe Sport
- Quarterly reports to the Board on decisions related to this Policy
- Program signatories required to provide their consent regarding their participation in the Abuse-Free Sport reporting and complaint resolution process
- Education and training requirements, as prescribed from time to time
- Ongoing and ever evolving communication and partnership strategy within the skating community to ensure a Safe Sport environment for everyone
- Active promotion and awareness of our Safe Sport commitment, including prevention and the provision of safe reporting and resolution mechanisms, throughout all Skate Canada programs, interactions, activities and events
- Collaboration with the federal government, international federations, and national sport organizations, as well as applicable partners to support and advance Safe Sport programs



- Attestation process to the compliance of all policies every two (2) years by the CEO, in accordance with the Policy Management Policy, including this Policy

Reporting and Escalation/Exception

There are no exceptions to this Policy. Any issues or conflicts with this Policy will be escalated to the Board.

Governance / Oversight

The Board has oversight over this Policy.

This Policy is reviewed and approved 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

This Policy is an overarching organizational policy that for full context should be read in conjunction with the following directly and/or indirectly related policies:

For All Individuals:

Skate Canada

Anti-doping Policy (and Safe Sport Guide with Anti-Doping thereunder)

Code of Ethics

Concussion Management Policy

Concussion Protocol

Electronic Communications Standards of Conduct

Electronic Communications Protocols (applicable to coaches and skaters/athletes only)

Equity, Diversity, and Inclusion Policy

Hall of Fame policy and processes

Incidents of Injury Reporting and Management Policy

Official Languages Policy

Privacy Code

Safe Sport Handbook

Trans Inclusion Protocol

Industry Codes/Policies

Canadian Sport Policy



Universal Code of Conduct to Prevent and Address Maltreatment in Sport
(UCCMS)

Program Signatories, in addition to the policies / codes noted above for individuals:

Skate Canada

Athlete Agreement (applicable to athletes only)

Industry Codes / Policies

COC Policy on the Management of Safe Sport Complaints

COC Code of Ethics

ISU Code of Ethics

ISU Athlete Safeguarding Policy

ISU Constitution and Regulations, as applicable

ISU Transgender Policy

Employees, Officers, Directors, in addition to the policies / codes noted above for individuals:

Skate Canada

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

In addition, the Procedure related to this Policy and any of the above noted in order to carry out the Policy.

Questions/ Contact Information

For questions, please refer to the Safe Sport Manager (or designee) or the CEO.