

Sport Environment Assessments (“**SEA**”) serve a dual function in both addressing and preventing maltreatment, discrimination and other prohibited behaviour related to the Universal Code of Conduct to Prevent and Address Maltreatment in Sport (“**UCCMS**”). A SEA is designed to identify and remedy alleged systemic issues.

Unlike an investigation, in a SEA, there is no complainant or respondent. Survey respondents and interviewees (“**Assessment Participants**”) are asked to provide answers that describe their experiences. Therefore, the information in the SEA reflects how the Assessment Participants perceived the issues, systems or dynamics within the sport environment subject to the SEA.

The answers that Assessment Participants provide in interviews or to surveys are not subject to further examination to establish validity; it constitutes their individual perspectives.

Ontario Volleyball Association

Sport Environment Assessment

Grace Vaccarelli

Grace Vaccarelli Professional Corporation

Member of the Abuse-Free Sport Unit of Independent Assessors (2022-2024)

June 6, 2024

Contents

- 1. Executive Summary..... 4**
- 2. Preamble..... 5**
- 3. Methodology..... 6**
 - 3.1 Mandate 6**
 - 3.2 Methods 6**
 - 3.2.1 Interviews.....7
 - 3.2.2 Document Review7
 - 3.2.3 Anonymity8
 - 3.2.4 Confirmation of Information.....8
- 4. Context..... 9**
 - 4.1 What is the Office of the Sport Integrity Commissioner?..... 9**
 - 4.2 What is The Universal Code of Conduct to Prevent and Address Maltreatment in Sport ?
..... 9**
 - 4.3 What is a Sport Environment Assessment?..... 9**
 - 4.4 What is Racism?..... 10**
 - 4.5 What is Anti-Black Racism?..... 10**
 - 4.6 What is Systemic Discrimination? 10**
 - 4.7 The OVA 12**
 - 4.8 Volleyball Canada 12**
 - 4.9 Safe Sport Training 13**
- 5. Themes..... 13**
 - 5.1 Lack of Diversity in Athletes, Coaches and Officials 13**
 - 5.1.1 Team Ontario14
 - 5.1.2 Team Ontario Indoor - Athletes14

5.1.3	Team Ontario - Coaches	16
5.1.4	Referees	18
5.1.5	Coach Developers.....	18
5.2	Investigations, Settlements and Discipline Hearing	19
5.2.1	Racial Profiling and Assumptions of Guilt	19
5.2.2	OVA Conduct During an Investigation and a Code of Conduct Hearing.....	20
5.2.3	Confidential Settlements	24
5.3	Posting of Sanctioned Coaches on the OVA Website.....	26
5.4	Respect in Sport Parent Program.....	26
5.5	Board Governance	27
5.6	Anti-Racism Policy and Implementation Plan	28
5.6.1	Demographic Data Collection.....	29
5.7	Unconscious Bias	30
5.7.1	Staff Education and Training	30
5.7.2	Board Education and Training.....	31
5.7.3	Referee Eligibility Policy.....	32
5.7.4	Coach Eligibility Policy	32
5.8	Inclusion, Diversity and Equity Advisory Committee (IDEAC)	32
5.9	Policy Review	34
5.9.1	Diversity, Equity and Inclusion Policy.....	34
5.9.2	OVA Code of Conduct and Ethics	35
5.9.3	OVA Discipline and Complaints Policy	35
5.9.4	Purple Card Policy	36
5.10	Annual Awards.....	37
5.11	9-Man Volleyball	37
5.12	Fear of Reprisal	38

6. Conclusion..... 38

7. Recommendations..... 39

7.1 Volleyball Canada 39

7.2 Policy Revisions 39

7.3 Governance 40

7.4 Education and Training 40

7.5 Recruitment and Retention 41

7.6 Hearing from OVA Members..... 41

7.7 Investigations..... 42

1. Executive Summary

This Sport Environment Assessment (“Assessment”) sought to understand whether systemic discrimination, in particular anti-Black racism, is exhibited in the Ontario Volleyball Association (“OVA”). Further, if the phenomenon does exist, ascertain how and why it happened, especially with regard to the role of the OVA’s administration.

The OVA is the provincial governing body of volleyball in Ontario. In conducting this Assessment, my mandate did not include considering what individual players were experiencing at the Club level, where most people experience the sport. Instead, I focused on the OVA's policies, actions, inactions, and practices.

The information shared with me from participants raised concerns about the lack of racial diversity among OVA members, including referees and the Board of Directors; conduct during an external investigation and discipline hearing; and a lack of intentionality in policies and training to create a more inclusive OVA. Finally, there is currently outstanding litigation before the courts which alleges that the OVA engaged in defamation and racial discrimination that I am unable to comment on.

However, while anti-Black racism is pervasive in Canadian society and institutions, the participant information before me did not lead me to find indicia of systemic discrimination or anti-Black racism in the organization. That said, I was troubled to learn about one occasion where there was a failure to have allegations of racial discrimination move to a discipline hearing and have therefore recommended that those allegations be forwarded to the Office of the Sport Integrity Commissioner (“OSIC”).

Finally, I found significant room for growth within the OVA to allow it to achieve a commitment to anti-racism, diversity and inclusion, and have made recommendations in this regard.

2. Preamble

The Ontario Volleyball Association ("OVA") is the official governing body for volleyball in Ontario. The OVA is a recognized Provincial Sport Organization ("PSO"), and accordingly, in Ontario, is required to follow policies and procedures from the Ministry of Heritage, Sport, Tourism and Culture Industries. The OVA has over 800 teams and 90 clubs throughout Ontario.

In November 2022, the Office of the Sport Integrity Commissioner ("OSIC") reviewed information that it received that alleged systemic discrimination, in particular anti-Black racism, within the OVA. In accordance with the [OSIC Guidelines Regarding Sport Environment Assessments](#), the OSIC conducted an Initial Review and set the Scope of this Assessment.¹ The Assessment's mandate was to understand whether systemic discrimination, in particular anti-Black racism, is exhibited in the OVA, and how anti-Black racism is addressed within the OVA.

The OSIC retained Grace Vaccarelli as the Independent Assessor. The Assessor has over twenty years of experience in human rights matters. From 2008 to 2018, the Assessor was the Manager of Legal Services and Counsel at the Ontario Human Rights Legal Support Centre; in 2020, she was the Interim Director of Human Rights Services at Toronto Metropolitan University; and in 2022, she was added to the OSIC Unit of Independent Assessors.

Grace Vaccarelli conducted this Assessment from April 2023 to August 2023.

As part of this Assessment, the Requester was interviewed, and invitations were extended to all people identified by the Requester or other participants as having relevant information. Key personnel with the OVA was also interviewed. Finally, an in-depth documentary review was conducted.

¹ S.5, *OSIC Guidelines Regarding Sport Environment Assessments*

I would like to thank Runako Gregg, the Second Reviewer, for his expertise in supporting this Assessment. Runako has worked as a lawyer, policy analyst and investigator at human rights institutions such as the African Canadian Legal Clinic, the Ontario Human Rights Commission and the Ontario Human Rights Legal Support Centre.

Finally, I wish to sincerely thank all who participated in this Assessment and shared their voices and perspectives.

3. Methodology

3.1 Mandate

The purpose of this Assessment was to understand whether systemic discrimination, in particular anti-Black racism, is exhibited in the OVA. This entailed scrutiny of its administration, including its implementation of policies and procedures.

More specifically, the Assessment sought to:

- Address how anti-Black racism and other issues are exhibited and addressed within OVA's environment pursuant to the [*Universal Code of Conduct to Prevent and Address Maltreatment in Sport*](#) ("UCCMS"); and Review applicable policies and procedures related to anti-Black racism and discrimination in general and consider the practical implementation of any such applicable policies.

The Assessment was to then formulate recommendations to address these issues and prevent future occurrences.

3.2 Methods

The information contained in this Assessment was gathered through a series of one-on-one interviews and a documentary review. Given that the mandate was specifically to consider whether systemic discrimination, and anti-Black racism especially, was exhibited by the administration of the OVA in its implementation of policies and procedures, the Assessment did not include a survey of all OVA members.

3.2.1 Interviews

The Assessment started with an interview of the Requester to understand the incidents and concerns that they were bringing forward. The Requester spoke about incidents from 2014 to the present. I then branched out and interviewed coaches, referees, former athletes, a parent of a former athlete, OVA staff leadership and members of the OVA Board of Directors.

Interview invitations were sent to any person identified by the Requester and other participants said to have information relevant to this Assessment. Although I invited every person who was identified to me to interview, or who I identified; not all responded.

All persons contacted for an interview were invited to attend their interview with a support person and were advised that the Assessment Report would adhere to the confidentiality requirements as outlined in Section 8 of the [OSIC Guidelines Regarding Sport Environment Assessments](#).

A total of twelve interviews were conducted.

3.2.2 Document Review

The Requester brought forward extensive written documentation, as did the OVA. The OVA graciously provided each document requested in a timely and responsive manner. The documents included, but are not limited to:

- All OVA Board minutes from 2012 to the present.
- All Minutes of its Inclusion, Diversity & Equity Advisory Committee (IDEAC).
- A copy of all complaints of discrimination and anti-Black racism received by the OVA from 2019 to the present.
- Two investigation reports that were commissioned by the OVA.

The Assessment also considered documents contained in the public forum, including, but not limited to:

- All policies on the OVA website.

- OVA's Strategic Plan.
- A Statement of Claim and Statement of Defense arising from litigation involving a former coach.
- A January 25, 2023, TSN article entitled [Ontario Volleyball Association pushing the envelope in battle to protect athletes.](#)

I conducted a targeted review of this documentation to identify and highlight equity components. These components are dealt with in detail in relation to the themes below, where relevant.

3.2.3 Anonymity

The Assessment Report will not share the identity of the participants who provided the Assessor with the information contained herein consistent with the *OSIC Guidelines Regarding Sport Environment Assessments*, which states:

The Assessment Report will preserve the anonymity of Assessment Participants, and not identify the Assessment Participants as sources of information, unless an Assessment Participant has given specific instruction and written consent that their name can be used. The Assessment Report will also clearly state that the Independent Assessor does not make findings of fact or assess credibility.²

3.2.4 Confirmation of Information

Assessment Participants were provided with a copy of my interview notes for their review and confirmation following each interview. In my communications with Assessment Participants, they were invited to review the contents of my notes, and to make any revisions they felt necessary to ensure the accuracy of the information contained therein, and then confirm the contents of the notes.³

The Requester and the OVA were provided with a draft of this Assessment in accordance with Section 7.e. of the *OSIC Guidelines Regarding Sport Environment Assessments*. Section 7.e. provides me with the authority to share a draft Report to provide an opportunity to identify any factual inaccuracies in the Report. Both the Requester and the

² S.7 (d), *OSIC Guidelines Regarding Sport Environment Assessments*

³ S.7 (e), *OSIC Guidelines Regarding Sport Environment Assessments*

OVA provided feedback, which has been incorporated to the extent that they identified a factual error or a need for me to provide clarifying commentary.

4. Context

4.1 What is the Office of the Sport Integrity Commissioner?

The Office of the Sport Integrity Commissioner (“OSIC”) is responsible for administering the UCCMS as part of the Abuse-Free Sport program.

4.2 What is The Universal Code of Conduct to Prevent and Address Maltreatment in Sport?

The UCCMS is 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.

Appendix I of the UCCMS defines discrimination as:

Behaviour, policies, and/or practices that contribute to differential, inequitable, adverse or otherwise inappropriate treatment of or impact on an individual or class of individuals based on one or more prohibited grounds, which include race, national or ethnic origin, colour, Indigeneity, religion, age, sex, sexual orientation, gender identity or expression, pregnancy, marital status, family status, language, genetic characteristics or disability, and analogous grounds.

4.3 What is a Sport Environment Assessment?

The OSIC states that Sport Environment Assessments are intended to address alleged systemic issues related to the UCCMS to improve the sport environment for both current and future participants in a manner consistent with the OSIC mandate and its applicable policies and procedures.

Moreover, Assessments serve a dual function in both addressing and preventing maltreatment, discrimination and other prohibited behaviour related to the UCCMS. These Assessments are designed to identify and remedy alleged systemic issues with the goal of improving the sport environment for both current and future participants.

An Assessment is distinct from an Investigation, as an Investigation is the Investigation of a Complaint regarding the conduct of one or more specific individuals named in the Complaint.

4.4 What is Racism?

The Ontario Human Rights Commission (OHRC) defines racism as follows:

Racism is an ideology that either directly or indirectly asserts that one group is inherently superior to others. It can be openly displayed in racial jokes and slurs or hate crimes, but it can be more deeply rooted in attitudes, values and stereotypical beliefs. In some cases, these are unconsciously held and have become deeply embedded in systems and institutions that have evolved over time. Racism operates at a number of levels, in particular, individual, systemic and societal.⁴

4.5 What is Anti-Black Racism?

Ontario's *Data Standard for the Identification and Monitoring of Systemic Discrimination* defines anti-Black racism in this way:

Anti-Black racism has been defined as the prejudice, attitudes, beliefs, stereotyping and discrimination that is directed at people of African descent and is rooted in their unique history and experience of enslavement and its legacy. Anti-Black racism is deeply entrenched in Canadian institutions, policies and practices, to the extent that anti-Black racism is either functionally normalized or rendered invisible to the larger White society. Anti-Black racism is manifest in the current social, economic, and political marginalization of African Canadians, which includes unequal opportunities, lower socio-economic status, higher unemployment, significant poverty rates and overrepresentation in the criminal justice system.⁵

It should be underscored that anti-Black racism is deeply entrenched in Canadian institutions. It is often subtle and can manifest both systemically and in individual acts, unintentionally or intentionally. Indeed, anti-Black racism has become a normalized phenomenon, and it is often difficult to identify and address.

4.6 What is Systemic Discrimination?

Systemic discrimination can be described as patterns of behaviour, policies, practices or attitudes that are part of the structures of an organization that may appear neutral but have an “adverse impact” or exclusionary impact, which creates or perpetuates disadvantage for persons based on their personal characteristics.

⁴ [Racial Discrimination, race and racism \(fact sheet\), Ontario Human Rights Commission](#)

⁵ [Data Standard for the Identification and Monitoring of Systemic Discrimination, Ontario](#)

The use of informal or highly discretionary decision-making is particularly problematic as there is more room for subjective considerations, differing standards and biases to come into play, which can lead to systemic discrimination.

An organization can have its own internal culture, which may mirror the dominant culture, which can then marginalize or alienate individuals based on their personal identities, again resulting in systemic discrimination.

Some examples of systemic discrimination include:

- A policy that includes age limits for Board membership. This would deny young people a voice on organization's Board.
- An organizational practice that favours recruitment or selection based on personal relationships or word of mouth, as opposed to a transparent merit-based assessment with clear criteria identified in advance. This practice can result in systemic discrimination as unconscious biases lead people to favour others who are most like themselves and “fit” into the dominant organizational culture.
- An organizational culture to go for “drinks” on Friday evenings. This culture can exclude people based on their family responsibilities or their creed if the individual practices the Sabbath or does not drink alcohol.
- An organizational culture that reflects the dominant culture, thereby excluding people who are racialized.

In assessing a claim of systemic discrimination, allegations cannot be isolated to a single event or statement. In *Association of Ontario Midwives v. Ontario (Health and Long-Term Care)*,⁶ the Ontario Human Rights Tribunal directed that:

Alleged incidents, along with particulars of historical practices, policies and attitudes, must be viewed comprehensively and in aggregate. It is this interwoven amalgam of conduct, actions, inaction, policies, practices, systems and attitudes which is alleged to result in differential treatment and discriminatory impact. The connections between incidents may not always be obvious and may

⁶ *Association of Ontario Midwives v. Ontario (Health and Long-Term Care)*, [2014 HRTO 1370 \(CanLII\)](#)

not be purely linear or continuous. But together, the interconnected web is what constitutes the series of incidents.⁷

In this Assessment, I considered all the incidents or examples brought forward to consider whether there were indicia of systemic discrimination or anti-Black racism. I considered policies, practices, actions and inactions to determine if they created an adverse impact on people who are racialized and Black.

4.7 The OVA

The Ontario Volleyball Association (“OVA”) is the official governing body for volleyball in Ontario. The OVA supports volleyball at all levels, including introducing children to volleyball at the grassroots level through supporting and developing high-performance athletes, certifying coaches and officials, and hosting tournaments and provincial championships.

The OVA has 17 employees and an annual budget of \$8 million. The OVA has oversight over 880 sanctioned volleyball teams at 75 clubs.

Athletes, coaches, and officials must be members of the OVA to participate in an OVA-sanctioned event.

Volleyball Canada is a program signatory with Abuse-Free Sport, and the OVA is one of its affiliated organizations. This means that they have adopted the UCCMS and retained the OSIC and Abuse-Free Sport services to implement their safe sport framework.

4.8 Volleyball Canada

In May 2022, Volleyball Canada announced that it is working with Deloitte Inc. to develop its Equity Diversity and Inclusion (DEI) Strategic Framework and Implementation Plan. A survey was created for the volleyball community, and the OVA supported the distribution of that survey, which is now closed.

⁷ *Association of Ontario Midwives v. Ontario (Health and Long-Term Care)*, 2014 HRT0 1370 (CanLII) at para. 37

From this research, it is anticipated that Volleyball Canada will identify “strategic DEI priorities that align with the most impactful critical moments and/or barriers across stakeholder participation.”⁸

The OVA is also awaiting Volleyball Canada’s research results to learn how they may implement any recommendations that flow.

4.9 Safe Sport Training⁹

Volleyball Canada requires all individuals involved with the sport across the country to take the new Safe Sport training module, available via the Coaching Association of Canada website. As of April 1, 2020, anyone associated with a Sport Canada-funded organization must be trained on conduct to prevent and address maltreatment. This includes coaches, referees, parents of youth athletes, high-performance staff and contractors, officials, and all administrative staff and volunteers, whether they may have direct contact with athletes or not. The Safe Sport training module, which Volleyball Canada uses, is a free, 90-minute e-learning module that gives all participants the tools to recognize, address, and prevent maltreatment in sports. The module aligns with the UCCMS principles and meets Sport Canada requirements for Safe Sport education.

The OVA requires club leaders, coaches and referees to complete the Safe Sport training module as part of their eligibility policies.

5. Themes

5.1 Lack of Diversity in Athletes, Coaches and Officials

Most participants highlighted a lack of racial diversity among athletes, coaches, officials, and learning facilitators. They also overwhelmingly described volleyball as a “White” sport.

⁸ [Volleyball Canada News](#)

⁹ [Volleyball Canada, Ontario Volleyball and SafeSport](#)

I was told of pockets of racial diversity in athletes and coaches who play with Pakman Volleyball and Thundercats Volleyball. However, racialized athletes and coaches themselves said that it was always obvious what club they were affiliated with, as they would be on the only club and team that was not predominantly White, which often made them feel othered. I also heard that there is increasing diversity in referees; however the numbers remain very small.

As explained further below, although the OVA has said that they are not opposed to collecting disaggregated demographic data of its members, at this time, they do not collect this data, so the above information is purely anecdotal.

5.1.1 Team Ontario

The Team Ontario program is a training environment where Ontario's top athletes learn and compete while representing Ontario. During the different camps, the athletes have an opportunity to experience high-intensity on-court training and sport science sessions with experts in the field. The OVA has a selection policy that provides the criteria for athlete and coach selection to Team Ontario.

5.1.2 Team Ontario Indoor - Athletes

Several participants raised concerns over the lack of clear selection criteria and transparency in the selection of Team Ontario Indoor coaches and athletes, and they believe that White bias and reprisal factored into decision-making.

Another participant raised that racialized athletes on Team Ontario at camp have reported feeling over-scrutinized compared to their White counterparts. This participant did not have any firsthand experience of this. If a racialized athlete has experienced or is experiencing over-scrutiny, their allegations should be referred to the OSIC.

The OVA's Selection Policy sets out a three-step process for selecting athletes for Team Ontario Indoor. The first step is to create an "Athlete Identification Committee", which is comprised of:

- The Head Coach of the respective Team Ontario program

- Provincial Evaluators named by the OVA Athlete Development Director
- OVA Staff as assigned by the OVA Athlete Development Director
- The OVA Athlete Development Director

The second step is the initial selection by the respective Head Coach and Assistant Coach. The third step requires that the selection made by these coaches will be reviewed by the Athlete Selection Committee to ensure that:

- There were no club/team biases in the selection made by the coaches
- All selections were based on the Team Ontario selection criteria
- The selection is aligned with the performance or development focus of the respective Team Ontario program

In addition, the Policy speaks to positions and states that: “The number of players invited to the final selection camp will depend on the number of positions available, the number of athletes meeting the standards, the number of courts available for the selection camp and the number of coaches available to evaluate.”

A participant explained that Team Ontario is a high performance program aimed at improving the best individual athletes based on identified assessment selection criteria set out in the OVA’s Selection Policy and does not change. While it is necessary to ensure that each position is filled on the team, the selection of athletes is primarily focused on their abilities to go to the next pathway or, in other words, their ability to play at the next level.

It was explained to me that the positions on Team Ontario teams are determined by ensuring each position is filled and then adding players based on the pool of athletes available. I was told that the position played by the athlete at their club level is not determinative of what position they might play on Team Ontario.

One participant felt that failing to state the number of positions to be filled before tryouts meant that the criteria could change based on discriminatory reasons. While this may be true, no athlete came forward with this allegation. If an athlete did come forward with this allegation, it should be referred to the OSIC. Based on the limited information brought forward, I did not find that this met the indicia of anti-Black racism in the selection of Team Ontario.

5.1.3 Team Ontario - Coaches

Team Ontario coaches come from clubs, universities, and colleges.

Many participants reported a lack of racial diversity among the coaches at Team Ontario, and one participant stated the coaches are predominantly “White men”.

The OVA Selection Policy provides a detailed application process for the selection of Head Coaches and Assistant Coaches. The applications are to be reviewed by a committee that will rank the applications. The committee is comprised of a minimum of two of the following people:

- i. The OVA Athlete Development Director
- ii. The OVA Athlete Development Lead
- iii. A Member of the OVA High Performance Committee

Interviews are then conducted by a Selection Committee, which is composed of a minimum of two of the following people:

- i. The OVA Athlete Development Director
- ii. One (1) mentor coach from the community (OUA), national programs, former Team Ontario coach, etc.) who will be appointed by the High Performance Committee One OVA staff member

One participant shared that the Selection Committee only had the OVA Athlete Development Director and an OVA Staff member, and that the Committee would know all the coaches that applied.

Notably, the OVA Selection Policy does not have a process for reviewing the selections for bias, as is found for athletes.

I heard from several participants who noted the goal of the OVA to promote and increase the participation of women in coaching and refereeing. The OVA's Selection Policy fulfills this goal for coaches by setting a target for a minimum number of coach positions on Team Ontario to women coaches. Furthermore, as stated in the OVA Selection Policy:

It is a strategic priority for Ontario Volleyball to promote the participation of women in coaching at all levels. The following objectives are in place for the number of women selected on the Team Ontario coaching staff each year:

- Target minimum 25% of Team Ontario Head Coaches are women
- Target minimum one (1) assistant coach on a Team Ontario girls' team is a woman

At the time of finalizing this Assessment Report, the OVA reported to me that the targets were met and increased in the updated Selection Policy, which was passed in October 2023.

Currently, the OVA Selection Policy has as its targets:

- Target minimum 50% of Team Ontario Head Coaches are women
- Target minimum one (1) coach on a Team Ontario girls' team is a woman

The updated Selection Policy includes a statement "welcoming and encouraging participation for people with disabilities and underrepresented groups". However, there remains no stated targets for selecting coaches who are racialized.

Some participants shared that the OVA hosted a voluntary Coaches' Summit at the most recent Ontario Provincial tournament, and one hundred coaches participated. The

sessions focused on the evolving culture of coaching. The hope was that those participating would return to their clubs and pass on the information.

5.1.4 Referees

There are six hundred OVA referees across the province.

Most participants stated that there is a lack of diversity in the referees. As one participant noted, most referees are former players, and since volleyball athletes are not diverse, this results in a lack of diversity in referees. However, this participant also noted that there have been shifts in the make up of referees, as there are now more racialized referees in senior positions.

A few participants explained that the OVA has a referee retention strategy that includes mentorship and that they have started a women's referee development initiative. At the same time, although there is interest in more diversity in referees, there is currently no initiative to recruit or retain more racialized referees.

5.1.5 Coach Developers

One participant noted the lack of racial diversity in Coach Developers. These are the people who train the coaches. Coach Developers include Learning Facilitators, Coach Evaluators and Master Coach Evaluators. I was told that if someone wants to become a Coach Developer, they are to contact the OVA with their interest, and the OVA will hold their interest on file until such time as there is a need for more Coach Developers.

The National Coaching Certificate Program ("NCCP") Operational Manual outlines two ways to become a Coach Developer candidate:

- i) Master Coach Developers (MCDs), Provincial/Territorial Sport Organizations (P/TSOs), and National Sport Organizations (NSOs) can identify Coach Developer candidates; or
- ii) Individuals can nominate themselves.

5.2 Investigations, Settlements and Discipline Hearing

5.2.1 Racial Profiling and Assumptions of Guilt

Several participants pointed out that on two occasions, OVA leadership concluded that a Black coach engaged in misconduct without an investigation. They stated that the conclusions reached by the OVA's leadership are indicative of anti-Black racism, as on both occasions, a conclusion was made following a complaint from a White person and without an investigation.

In *Paying the Price: The Human Cost of Racial Profiling*¹⁰, the OHRC defines racial profiling as:

...any action undertaken for reasons of safety, security or public protection that rely on stereotypes about race, colour, ethnicity, ancestry, religion, or place of origin rather than on reasonable suspicion, to single out an individual for greater scrutiny or different treatment. The Commission also noted that profiling can occur because of a combination of the above factors and that age and/or gender can influence the experience of profiling.

The first incident occurred in April 2014 and was part of the subject matter of an investigation and a Discipline and Complaints Hearing decision dated October 8, 2021. Regarding this incident, the discipline panel confirmed that a coach who identifies as a Black man received a letter of discipline from the Executive Director, and the OVA failed to follow the rules of procedural fairness and process, as set out in the Discipline and Complaints Policy, in conducting the investigation. However, the panel did not find that the evidence established that race was a factor in that failure.

Given the findings of the Discipline Tribunal described above, I cannot conclude that there was race-based discrimination related to this incident.

The second incident occurred in 2018 and is currently the subject matter of litigation before the Superior Court of Justice. According to the Statement of Claim, a coach who identifies as a Black man claims that the Executive Director of the OVA assumed he was guilty of misconduct in the absence of an investigation or any complaint that this coach was made aware of. As this is not an investigation, I am not in a position to make any

¹⁰ [Paying the Price: The Human Cost of Racial Profiling](#)

findings about this allegation, which is best left to the legal proceedings that have been initiated and that the OVA is defending.

5.2.2 OVA Conduct During an Investigation and a Code of Conduct Hearing

In the last five years, the OVA initiated two external investigations into allegations of racial discrimination, as will be described below.

There were participants who raised concerns about the OVA's practice of confidential investigations and settlements, allegations that the OVA provided false evidence to investigators, OVA's failure to conduct a Discipline and Complaints Hearing following an investigation, and OVA's conduct during a Discipline and Complaints Hearing.

Investigation 1:

The first investigation arose from incidents that occurred in February and March 2019. It was alleged that a Black-identified coach experienced racial discrimination by a referee and then experienced reprisal when a complaint was brought forward. Some participants said that referees and OVA staff conspired to protect the referee in question and punish the coach. They said that OVA staff intentionally used an email to communicate with the coach, which they knew was not working, to deny the coach the opportunity to appeal the initial Discipline decision. The Board of Directors launched an external investigation into the allegations.

During the investigation, the coach in question filed an application before the Ontario Human Rights Tribunal based on the same facts. That application was settled between the parties. A few participants raised what they described as unfairness in the settlement discussions. The settlement is confidential. They felt that the OVA was "hiding behind" a confidential settlement.

On January 26, 2021, the investigation concluded. The findings of the investigation are also confidential. The allegations did not proceed to a Code of Conduct hearing under the Policy at the time. Some participants speculated that this was because the initial communication regarding the incident was an email from the coach's Club Director and not a "complaint" under the Policy, the delay between the incident and the final

investigation report, that the Board “did not accept the findings”, or the fact that the coach in question also commenced litigation, as potential reasons why a hearing was not initiated.

Participants assured me that going forward any allegation of discrimination or racism would be referred to the OSIC. This is a result of recent revisions to the Discipline and Complaints Policy, in particular Section 22 of that Policy, which requires that any complaint arising from the application of the UCCMS must be directed to the OSIC.

However, one participant shared that the Board of Directors took a systemic approach to the issues raised in the allegations. Specifically, they amended the Referee Eligibility Policy to require that all referees complete the Ontario Human Rights Commission e-learning module "Call it Out" to be eligible to referee in the OVA.

While training is a positive step for all coaches, it is unsettling that the allegations were not heard before a Discipline and Complaints Hearing to determine whether there was a breach of the OVA's Code of Conduct, irrespective of any remedy the coach might have received because of litigation before the Human Rights Tribunal. It is concerning that if racial discrimination was substantiated, no one has been held accountable through a Discipline and Complaints Hearing. Moreover, the findings of a Discipline and Complaints Hearing would be public, which would provide transparency to the OVA community.

Investigation 2:

This investigation arose from a complaint that alleged that the Respondent (Executive Director) of the OVA breached OVA's Code of Conduct by engaging in several actions which revealed a pattern of racial discrimination. The incidents took place in 2014, 2015 and 2017. A complaint was filed in January 2021, an investigation followed, and a Code of Conduct Hearing (“Hearing”) was held in 2021. The three issues addressed in the investigation and Hearing that were alleged to reveal a pattern of racial discrimination were:

1. A disciplinary letter to a coach without an investigation.

2. The OVA's decision to publish the names of suspended coaches.
3. Failure to provide accommodation for parents required to complete the Respect in Sport course.

At paragraph 100, the discipline panel found that "the Respondent has not breached the Code of Conduct as alleged in the Complaint."

Several participants raised concerns that the investigator was given misleading information to protect the OVA. Although this investigation was also confidential, the allegations ultimately went to a Code of Conduct Hearing (as noted above), and the findings of the Hearing are publicly available, if requested. As this is not an investigation, I am not in the position to make findings, as requested by the participant, as to whether there is evidence that the OVA misled the investigator. The investigator's mandate is to make those findings of fact.

Although the Complainant raised concerns about the expertise of the investigator, the Discipline Panel reviewed the investigation report and concluded that it was a thorough and procedurally sound investigation.

Discipline Hearing:

There were participants who pointed to OVA conduct during the discipline hearing that they said were indicia of anti-Black racism. The Panel addressed these concerns, and other issues, in its "Procedural Rulings" at paragraphs 12 to 27 at the commencement of the Hearing.

First, they claimed that the OVA objected to the Complainant having two attendees with him at the Hearing, both of whom identify as Black men.

During the Hearing, the Complainant called on the Case Manager, who was an OVA Board member, to provide evidence of OVA's past practice to permit a party to have more than one attendee at other hearings. The Complainant said that hearings are confidential, so he could not access that evidence. The OVA Board member declined to do so, ostensibly because of the confidential natures of hearings.

The Discipline Panel addressed this issue, and I will not revisit those findings. In particular, it found that Section 37 of the Discipline and Complaints Policy allows parties to “be accompanied by a representative, advisor, or legal counsel”, and having evidence of past practice would not impact the Panel’s findings, nor would there be “any basis which (she) could have considered that evidence ... in the face of clear language in the Policy” (at paragraph 17).

Another claim that I heard which was alleged to be indicative of discrimination was that the Case Manager appointed by the OVA had a conflict of interest in the proceeding and was therefore not independent. This, however, even if true, is not indicia of systemic discrimination or anti-Black racism.

Next, I heard that the Complainant was not provided with the full investigation report prior to the Hearing, and although he was assured that no one else had access to the full report, he believed that counsel for the OVA had the report. In the Hearing, he also argued that without the full report he did not know which documents needed to be submitted to meet his case.

This issue was also addressed by the Discipline Panel at paragraphs 19 and 20 of the Decision. The Decision states that Respondent was sympathetic to the Complainant’s argument, and the parties agreed that the Case Manager would provide the parties and the Panel notice of whether the report would be shared, and that it was ultimately shared.

Finally, it was claimed that the OVA took on a defensive position at the Hearing, choosing to protect its staff rather than earnestly presenting the facts.

In the decision, the Discipline Panel found the following:

1. The Complainant did not establish that race was a factor in the Respondent’s decision to issue a letter of discipline. While the Discipline Panel accepted that the Respondent “would have had some idea based on

his name that the Coach was racialized”, the Discipline Panel ultimately found there was insufficient evidence for a finding that race was a factor in the Respondent’s conduct.

2. The publication of the names of coaches who are suspended does not constitute discrimination on the basis of race or on the basis of association with a person identified by a prohibited ground of discrimination.
3. The Respondent did not breach the Code of Conduct in implementing the Respect in Sport course.

Ultimately then, in this instance, the Discipline Panel did not find a breach of the OVA’s Code of Conduct or the alleged incidents to be systemic discrimination or anti-Black racism. Given those findings, I do not find indicia of anti-Black racism.

I was encouraged to consider these incidents that occurred in the investigation and Hearing to be indicia of anti-Black racism and to refer them to investigation.

A common thread raised is the alleged conduct of the OVA during the investigation and Hearing. These alleged incidents would not properly be the subject of an investigation, in large part as they have been addressed by the Discipline Panel in the Decision.

In addition, I considered the principles underlying the common law principle of absolute privilege in deciding to not recommend an investigation into these concerns. This privilege establishes that individuals participating in judicial or quasi-judicial proceedings are entitled to advance their rights in these proceedings without fear that it will then be a basis of litigation. By extension, I find that those principles should apply to prohibit these concerns being the basis of an investigation.

5.2.3 Confidential Settlements

As explained above, a coach who identifies as a Black man filed an application before the Ontario Human Rights Tribunal alleging racial discrimination by the OVA. This application

was settled between the parties, and that settlement is purportedly confidential. Several participants raised concerns about the OVA's conduct during negotiations and the terms of the settlement. Several participants declared that the OVA should not be permitted to shield itself from public scrutiny by having confidential settlements.

Confidentiality in settlements is complex.

There has been a groundswell of protest, initiated within the sexual survivor community, to rid the use of "non-disclosure agreements" in settlements. Members of equity-deserving groups have argued that confidentiality protects the person who caused harm and perpetuates harm as it silences the person who experienced the harm.

I have considered whether, with these facts, the use of confidentiality in a settlement agreement is indicia of anti-Black racism. At this moment in time, I am not of the view that it is. Our legal context recognizes public policy reasons for confidentiality both within the communication and information exchanged for settling a dispute, and confidentiality clauses within a settlement are not uncommon. This may be changing for good reason. However, at this time, I will not go behind a negotiated settlement between the parties, especially when, as in this case, I have not received any information from the parties in the settlement that would cause me concern.

I also note that the Abuse-Free Sport's FAQ regarding Non-Disclosure Agreements and Confidentiality states that a non-disclosure agreement does not prevent a report or complaint from being admissible to the OSIC. The FAQ also states that:

Any contract, policy, procedure or other action, relating to an NDA or otherwise, that would restrict a person's ability to exercise their rights, protections or responsibilities under the UCCMS is fundamentally incompatible with the commitments and obligations of UCCMS Participants and Adopting Organizations.¹¹

¹¹Abuse-Free Sport, FAQ -Non-Disclosure Agreements and Confidentiality, <https://sportintegritycommissioner.ca/faq-confidentiality>

5.3 Posting of Sanctioned Coaches on the OVA Website

One participant alleged that the OVA's practice of publishing the names of coaches who are suspended, for the actions of their athletes, could lead to coaches not having at-risk youth on their teams. The Discipline and Complaint Hearing addressed this submission and found it was not discriminatory. There is no need for me to comment further.

5.4 Respect in Sport Parent Program¹²

F, the OVA required the parents of athletes to complete the Respect in Sport course before they were eligible to play in the OVA. The Respect in Sport course was in response to the Ontario Ministry of Tourism, Culture and Sport's requirement that sport organizations engage in parent education. Respect in Sport course is an accessible online resource in the prevention of bullying, abuse, harassment, and discrimination (BAHD). The program's mission is to empower participants to recognize signs of BAHD and eliminate it from the game through a global culture of respect. It is a one-time requirement of parents, and it is also used in soccer and hockey. If a parent completes the module in one of those sports, they can transfer the certificate to the OVA.

There were participants who raised that at the implementation of the Respect in Sport course, the OVA failed to consider barriers that parents may experience arising from the culture, religion, and a lack of language proficiency in English or French, and who argued that they had to advocate for three months for accommodations to be implemented.

The Discipline and Complaint Hearing addressed this submission and found that the OVA has implemented reasonable accommodations in relation to the Respect in Sport course, and that it is "normal and acceptable that there be some discussions of what constitutes appropriate accommodation". The Decision also noted that there was no evidence before it of any players who were adversely impacted by the implementation of the Respect in Sport course.

¹² <https://www.ontariovolleyball.org/respect-in-sport>

However, it has been reported to me that the OVA has issued both extensions and exemptions.

The accommodations are found on the OVA website, under FAQ's¹³ which state in part:

3. Who pays the \$12.00 fee?

In most cases, Clubs choose to have the parent/guardian pay the fee themselves. Clubs may elect to "bulk-purchase" on behalf of parents and in that case, a pre-registration code is issued to the Clubs to give to parents. The Code is then used when the parent registers, rather than paying with a credit card. Clubs interested in a bulk purchase should contact Carrie Campbell at ccampbell@ontariovolleyball.org. The cost is the same whether the parents pay or the club pays.

15. What if the parent has a language barrier?

The program is available in French or English. For parents who may struggle with English or French, they may ask a child, friend or relative to sit with them as they go through the program, and assist/translate for them. Many communities have cultural centres which can assist as well.

A parent or a Club contact (on behalf of the parent) can ask for an extension or exemption if there are extenuating circumstances. An email must be sent to Carrie Campbell at ccampbell@ontariovolleyball.org to ask for an extension/exemption, prior to the November 28 deadline or the child's first event in the OVA.

5.5 Board Governance

Several participants believed that members of the Board of Directors were appointed based on personal friendships with the Executive Director. These participants felt that the relationship between OVA staff and the OVA Board of Directors did not have the requisite distance, which permitted discriminatory practices by OVA staff to persist. While there may have been personal relationships between staff members and the Board of Directors, since 2016, OVA by-laws required all Board positions to be elected.

In 2021-2022, the OVA Board of Directors undertook a governance reform prompted by the coming into force of the *Ontario Not-for Profit Corporations Act, 2010*. As a result, there were significant changes to the OVA's bylaws. Reforms are listed below:

- A member-based voting structure was introduced to replace the previous regional delegate-based approach.
- A restructuring of the Regional Council that featured the creation of an elected Director, Regional Engagement position in place of the previously appointed Regional Council Director.

¹³ <https://www.ontariovolleyball.org/respect-in-sport>

- The introduction of an Athletes' Representative and an Athletes' Council.
- The formal addition of several committees of the Board to the by-laws.¹⁴

Another issue raised by some participants in relation to the Board was the perception that the Board of Directors was not kept informed of the allegations of racism facing the OVA. One participant said that when they wanted to make a deputation to the Board, they were met with resistance and barriers, for example a time restraint, which was disputed by the Board. In any event, this meeting deputation did not go ahead, and I am not in a position to make findings in relation to this issue as part of this process.

Finally, a few participants pointed to the lack of racial diversity on the Board of Directors and that the by-laws do not require positions to be filled by equity-deserving groups, including Indigenous people, racialized people, people with disabilities or members of the LGBTQI2S community. One participant noted general apathy among OVA members in joining the Board, which may explain the lack of diversity on the Board.

5.6 Anti-Racism Policy and Implementation Plan

The OVA has an Equity, Diversity and Inclusion Statement which states:

Ontario Volleyball is committed to fostering a welcoming environment through a diverse, equitable and inclusive game. We celebrate every race, age, disability, sexual orientation and background in our province to unite as one community. We believe meaningful action can positively affect important change in our sport and carry over into our everyday lives.

However, the OVA does not have an Anti-Racism Policy or implementation plan.

Several participants shared, and the website posted, that the OVA had engaged the consulting firm Korn Ferry to work toward enhancing the OVA for greater inclusion of BIPOC athletes, coaches and referees. Their first engagement with OVA members was to be a survey launched in February 2023 to ascertain the current views and experiences of present and past OVA members. I was told that it was anticipated that an Anti-Racism Policy would have come out of this project. Unfortunately, however, this project was put on hold as the cost of the engagement increased from their initial understanding.

¹⁴ [OVA Annual Report 2022](#); [Ontario Volleyball Association By-laws](#)

I also heard that the OVA is awaiting the recommendations from Volleyball Canada's DEI Strategic Framework and Implementation Plan and the recommendations from this Assessment before moving forward.

The OVA has a designated area of its website to Diversity, Equity & Inclusion, which is encouraging. Yet, some of the information there is outdated. For example, the website highlights a grant received to support a BIPOC Coach Mentorship Program, which was never implemented, initially because of COVID-19, and then a decision to change direction.

Also concerning is that as part of the resources for Clubs, the OVA shared a 4-step approach to Diversity, Equity & Inclusion, but the OVA themselves have not implemented Step 3 "Creating Goals and a Strategy," and Step 4 "Get Feedback".

5.6.1 Demographic Data Collection

Collecting disaggregated demographic data is an integral piece of any Anti-Racism Policy or Framework. The data is to be coupled with a process to reduce systemic barriers within the OVA. The data can lead to positive change as it can assist the OVA in understanding the community, make systemic inequalities more visible to act on and help target programs and initiatives to increase inclusion and evaluate their efforts.

The OVA does not currently collect disaggregated demographic data of its members, so any information about the diversity of members is anecdotal. Therefore, the OVA has no way to evaluate whether efforts to increase diversity and build inclusion are successful.

The OVA is currently assessing whether member registration can be modified for the upcoming season (which started September 1, 2023) to collect race and gender demographic data. At the time of this Assessment, it was unclear from OVA's IT service company if the customization would be ready in time.

The *Data Standards for the Identification and Monitoring of Systemic Racism*, also known as Ontario's *Anti-Racism Data Standards* ("Standards") set out requirements for the collection, use, disclosure, de-identification, management, publication and reporting of information, including personal information.¹⁵

The Standards were established to help identify and monitor systemic racism and racial disparities within the public sector. The Standards establish consistent, effective practices for producing reliable information to support evidence-based decision-making and public accountability to help eliminate systemic racism and promote racial equity.

5.7 Unconscious Bias

Stereotypes and biases can negatively impact how OVA staff, Board members, coaches, officials, and athletes relate to each other, make calls, and select coaches and athletes for Team Ontario.

There were participants who shared examples of unconscious bias and how racialized athletes and coaches were labelled as being more aggressive and received a disproportionate number of calls against them from referees for similar conduct of White athletes and coaches. Other participants raised concerns that race factored into the selection of athletes and coaches on Team Ontario.

One participant said that if they could do it again, given the harm that resulted from the discrimination their child experienced, they would not have registered their child for the OVA.

5.7.1 Staff Education and Training

The OVA has already taken steps to increase staff education on diversity, equity and inclusion. First, the OVA has implemented mandatory human rights training for its staff. Staff were required to complete the Ontario Human Rights Commission's (OHRC) e-learning entitled: "Call it out: racism, racial discrimination and human rights" ("Call it Out"). I further note that as part of the Executive Director's Performance Management and

¹⁵ [Data Standards for the Identification and Monitoring of Systemic Racism](#)

Evaluation, the Executive Director is tasked with increasing staff knowledge on diversity, equity and inclusion.

As described on the OHRC's website, "Call it Out" is a free 30-minute interactive eCourse that offers a foundation for learning about race, racial discrimination and human rights protections under Ontario's *Human Rights Code*. The course offers a historical overview of racism and racial discrimination, explains what "race," "racism" and "racial discrimination" mean, and provides approaches to preventing and addressing racial discrimination.¹⁶

"Call it Out" is an excellent foundation for learning about race and racial discrimination. However, the manifestations of racism in sports are unique and ought to be better understood by the OVA staff, Board of Directors, coaches and officials.

There are vast resources found online in the form of trainings, toolkits and existing policies and plans. Some online training hyperlinks include:

- Anti-Racism in Sport Campaign workshop "[Sport is not an equal playing field: An introduction to Anti-Racism Literacy and Action](#)"
- National Coaching Association of Canada's National Coaching Certification Program's [Anti-racism in Coaching eLearning module](#)
- [Government of Canada's Anti-Racism Learning Series](#)
- [Nova Scotia Community Libraries Anti-Racism Resources: What is Anti-Racism?](#)
- [Nova Scotia Sport & Recreation Anti-Racism, ShowUp to SpeakUp.ca](#)
- Boys and Girls Clubs of Canada [Anti-Racism Toolkit](#)

5.7.2 Board Education and Training

A few participants shared that as Board members, they did not receive onboarding training that included training on human rights or discrimination. However, in the past year, the members of the Board of Directors were asked to complete "Call it Out", which will become part of the onboarding for all new Board members.

¹⁶ Ontario Human Rights Commission, <https://www.ohrc.on.ca/en/learning/elearning/call-it-out>

5.7.3 Referee Eligibility Policy

In the 2022-2023 Referee Eligibility Policy, it was mandatory to complete “Call it Out” to be eligible to referee with the OVA.

5.7.4 Coach Eligibility Policy

In the 2022-2023 Coach Eligibility Policy, it was highly recommended that coaches complete “Call it Out”.

At the time of this Assessment, the OVA has decided to highly recommend the National Coaching Certification Program’s Anti-Racism in Coaching e-learning module for the 2023-2024 season and said that it will be mandatory for September 1, 2024.

5.8 Inclusion, Diversity and Equity Advisory Committee (IDEAC)

The Inclusion, Diversity and Equity Advisory Committee (IDEAC) was formed in 2020. The Committee is tasked with providing leadership and direction to OVA's inclusion policies and any potential programs or educational material that may be needed to support the mandate of the OVA.¹⁷

IDEAC's Terms of Reference states that the members must be comprised of at least "50% persons of visible minorities" and include:

- Chair - Grassroots & Community Outreach Manager or as appointed by the OVA Board of Directors
- OVA Board Member
- Executive Director
- Director of Volleyball Operations
- Four to eight OVA members at large chosen with the intention of bringing understanding, expertise, and experience of the principles of diversity, inclusion, gender equity and human rights that have a diverse background covering one or more of the following categories:
 - Age - i.e., Youth (16-18), Young Adult (19-25), Adult (26-64) Seniors (65+)

¹⁷ [IDEAC Terms of Reference](#)

- Gender and Gender Identity - i.e., Male/Female, etc.
- Sexual Orientation - LGBTQ+
- Faith - i.e., Christian, Muslim, Hindu, Sikh, Buddhist, Jewish, Atheist, etc.
- Ethno-cultural - i.e., Southeast Asian, Arab, Italian, Polish, etc.
- Physical & Mental Ability - i.e., Autistic, Vision Disability, etc.

Currently, the Committee is co-chaired by the Grassroots & Community Outreach Manager and an OVA Board member. This reflects the important work of this Committee. Some participants in the Assessment said that the work of IDEAC provided an equity lens to the policies of the OVA. However, other participants said that they had not heard of the IDEAC or felt that the Committee had not done much substantive work. One participant described the work of this Committee as “performative in nature”.

One participant said that the Committee has only had two meetings. This is inconsistent with the IDEAC minutes provided to me, which shows the Committee has met on September 23, 2020, January 20, 2021, June 23, 2021, October 21, 2021, February 16, 2022, June 14, 2022, and October 22, 2022. As I am not mandated to make findings in this Assessment, I cannot determine the exact number of times the Committee has met.

On review of the OVA website, I determined that the minutes of the IDEAC are not publicly available. This means that any work being done is not transparent to OVA members, and there is no way for OVA members to know when the Committee has met.

Moreover, from my discussions, I understand that the Committee does not have a way to hear from OVA members on how to prioritize their work. I heard that the IDEAC has not surveyed the OVA membership on issues related to equity, diversity or inclusion.

One participant said that the equity work of the OVA falls on the shoulders of its racialized staff. In many organizations, racialized people are typically tasked with the heavy burden of attending to equity work, often added to their usual duties, and organizations tend to lean on racialized staff to carry out this work as it is convenient.

However, at the OVA, I heard that the Grassroots and Community Manager role incorporates applying an equity lens. As such, they are not expected to undertake this work without compensation or as an “add-on” to their work. In so doing, I was told that the OVA has committed to making equity an integral part of its operations to help foster a culture of inclusion and commitment to ensuring equity is considered in all aspects of the organization’s activities. I understand that the person in this role brings both professional and lived experiences working with human rights issues in sports and community development focused on the upliftment of marginalized people both in Canada and internationally. I heard from OVA leadership that they relied on the Grassroots and Community Outreach Manager to provide an equity lens to their work even before this Committee was established, and that this has continued through to today.

5.9 Policy Review

As the Assessor, I reviewed relevant OVA policies.

5.9.1 Diversity, Equity and Inclusion Policy

The Diversity, Equity and Inclusion Policy (DEI Policy) is a "Pan-Canadian Policy," which means it was developed by Volleyball Canada to be implemented by the provinces and territorial associations to strive for consistency nationally. However, each province can amend the Policy as it chooses and requires approval from their respective Board of Directors. The OVA adopted this policy from Volleyball Canada.

The DEI Policy aims "to ensure that Volleyball Canada and the Provincial/Territorial Associations provides Under-Represented Groups with an equitable range of opportunities to parties in the sport." Underrepresented groups are defined in the DEI Policy as including women, children in low-income families, Indigenous people, seniors, people with disabilities, newcomers to Canada, and members of the LGBTQI2S community.

Several participants from the OVA leadership were unaware of any data to support why the definition of "underrepresented groups" failed to identify people who are racialized in the definition.

In June 2023, following my interviews with the OVA, the Policy was revised to include "racialized individuals" in the definition of "underrepresented groups".

5.9.2 OVA Code of Conduct and Ethics

Sections 5.2 to 5.14 of the UCCMS list the following prohibited behaviours: Psychological Maltreatment (s. 5.2); Physical Maltreatment (s. 5.3); Neglect (s. 5.4); Sexual Maltreatment (s. 5.5); Grooming (s. 5.6); Boundary Transgression (5.7); Discrimination (5.8); Subjecting a Participant to the Risk of Maltreatment (5.9); Aiding and Abetting (5.10); Failure to Report (5.11); Intentionally Reporting a False Allegation (5.12); Interference with or Manipulation of Process (5.13) and Retaliation (5.14).

However, the OVA Code of Conduct and Ethics defines Maltreatment as:

Maltreatment - as defined in the UCCMS, namely a volitional act or omission described in sections 5.2-5.6 of the UCCMS that results in harm or has the potential for physical or psychological harm and includes Psychological Maltreatment (s. 5.2), Physical Maltreatment (s. 5.3), Neglect (s. 5.4), Sexual Maltreatment (s. 5.5), and Grooming (s. 5.6);

Perplexingly, although the OVA Code of Conduct states that it applies to all prohibited behaviours found in the UCCMS, it only lists those found at Sections 5.2 through to 5.6, and fails to list prohibited behaviours found in Sections 5.7 through to 5.14 of the UCCMS, including Discrimination at Section 5.8. I heard that this was an oversight that will be addressed.

In June 2023, following my interviews with the OVA, the Code of Conduct was revised to include the UCCMS definition of "Discrimination" found in Appendix A.

5.9.3 OVA Discipline and Complaints Policy

In February 2023, the OVA revised its Discipline and Complaint Policy. The OVA has access to the Abuse-Free Sport Services, including enforcement of the UCCMS through

the services of the OSIC and the Director of Sanctions and Outcomes (DSO) in accordance with the Sport Dispute Resolution Centre of Canada (SDRCC) Agreement.

Under the current Discipline and Complaints Policy, the Discipline Chair will determine the jurisdiction under which the complaint will be addressed. Should the Discipline Chair receive a complaint involving a matter within the scope of the UCCMS, the Discipline Chair shall refer the complaint to the OSIC.

The Discipline and Complaints Policy does not require the Discipline Chair, or the Case Managers, to have received training in identifying the forms of maltreatment referenced in the UCCMS. This includes discrimination, how to apply a trauma-informed and anti-oppressive framework or understanding the principles of procedural fairness and natural justice in their duties.

Like the OVA's Code of Conduct, the Discipline and Complaints Policy also neglects to list discrimination as a form of prohibited behaviour as set out in the UCCMS.

5.9.4 Purple Card Policy

The purpose and intent of the Purple Card Policy are to effectively address and sanction any inappropriate or prohibited behaviour exhibited by any Ontario Volleyball member (adult or junior), parent or spectator attending any Ontario Volleyball Event. A few participants described it as “another support tool for referees” to eliminate inappropriate spectator behaviour before, during, or after a game.

“Prohibited Behaviour” in the Policy would include, but is not limited to:

- a) ..., any comment(s) made or action(s) displayed, deemed by others as rude, profane, disrespectful, disruptive or aggressive, which interferes with the normal progress of a tournament match.
- b) Any behaviour prohibited by Volleyball Canada and the Ontario Volleyball Code of Conduct policies.
- c) Any misconduct deemed contrary to normally accepted behaviour, which results in the unnecessary interruption of a tournament match.

While the "prohibited behaviours" listed in the Purple Card Policy are broad enough to include discriminatory comments or conduct, including racist comments, the Policy would benefit from naming racist comments as a prohibited behaviour, which would result in expulsion.

5.10 Annual Awards

One participant said that the recipients of the OVA awards are predominantly White and not reflective of the volleyball community. Another participant said that not all clubs are good at making nominations. All nomination forms and selection criteria are found online.

There is an OVA Awards Committee, which is a sub-committee of the Ontario Volleyball Association that is responsible for overseeing the Hall of Fame selection process, advising on Ontario Volleyball awards and recognition programs, and actively seeking opportunities to nominate dedicated members of Ontario's volleyball community for local, provincial, and national awards. If members are interested in joining the Awards Committee, they are invited to send an email to join the Committee.

5.11 9- Man Volleyball

The OVA hosts competitions for Indoor Volleyball, Beach Volleyball and Sitting Volleyball, the three disciplines Volleyball Canada endorses the OVA to deliver.

One participant raised that the OVA does not recognize "9-man volleyball", a form of volleyball played predominantly by people of Asian descent. The participant believed this was because the OVA leadership is not racialized. I was told that despite the popularity of 9-man volleyball, especially within the Asian community, and that some players and coaches involved in it are also part of the OVA, there was no move on behalf of the OVA to run this format.

The OVA said it supports 9-man volleyball if asked, akin to how the OVA provides support to the Invictus Games. For example, I heard that they have provided the netting for

tournaments. However, 9-man volleyball is its own game, with its own governing structures and outside what it has been endorsed to deliver by Volleyball Canada.

5.12 Fear of Reprisal

Section 5.14 includes retaliation to be a form of prohibited behaviour in the UCCMS.

In spite of this, participants agreed that athletes would fear reprisal in bringing forward a complaint, and several coaches also feared for their teams if they brought forward a complaint based on the conduct of a referee, either in their own name, or on behalf of an athlete.

The OVA website now highlights information on AbuseFree Sport, Canada's independent system for preventing and addressing maltreatment in sport. The website also provides the phone number for the Canadian Sports Helpline. The helpline is a listening and referral service that aims to encourage people to speak openly and validate their concerns regarding situations they feel are unacceptable. This service is free, anonymous, confidential, and independent, offered in both official languages, and also provides information on Abuse-Free Sport.

6. Conclusion

Anti-Black racism is pervasive in Canadian society and institutions. It is found both in individual acts and within organizations. Furthermore, it is often difficult to detect because it is normalized.

In this Assessment, the concerns raised by the participants and identified by me were varied. The concerns ranged from a lack of racial diversity, to racial profiling, to the use of confidentiality as a shield, gaps in policy, the selection of athletes and coaches for Team Ontario and OVA conduct during a discipline hearing. Some of the stated concerns have been litigated before a discipline hearing, which made findings that indicated the complaints were unsubstantiated.

After conducting interviews and a review of documents, including policies and procedures, I determined that there is significant room for growth within the OVA to allow the organization to move toward a path of an anti-racism, diversity and inclusion, and have made recommendations to that effect. I did not, however, find indicia of anti-Black racism or systemic discrimination at the OVA.

I also remain concerned of the failure to have allegations of racial discrimination move to a discipline hearing and have recommended that those allegations be forwarded to the OSIC. Finally, there is a pending litigation that alleges racial discrimination, which I am not able to comment on.

7. Recommendations

7.1 Volleyball Canada

1. Volleyball Canada is to review the recommendations contained in this Assessment to determine which to apply to itself and report that consideration in a report to its members.

7.2 Policy Revisions

2. The OVA is to develop and effect an Anti-Racism Policy and implementation plan. I note that there is also a wealth of information that could be accessed online to provide some guidance in creating an Anti-Racism Policy, including:
 - [The Sport Information Resource Centre](#)
 - [Anti-racism in Sport Campaign](#)
3. The OVA is to collect demographic data in accordance with the principles found in the *Standards*.
4. The OVA is to amend its Code of Conduct and Ethics to include discrimination as a form of prohibited behaviour.

5. The OVA is to amend the Discipline and Complaint Policy to include discrimination as a form of prohibited behaviour.
6. The OVA is to amend the Discipline and Complaint Policy to include that the Discipline Chair and Case Managers must have received training on trauma, and on unconscious racism and bias.
7. The OVA is to support and empower referees to address racist and other discriminatory behaviours from athletes, spectators, coaches, and other officials. This could include amending the Purple Card Policy to be clear that racist and discriminatory behaviour would qualify as “Misconduct Leading to Sanctions” under section 5 of the Policy.
8. The OVA Selection Policy is to be amended for the selection of the Team Ontario coaches, to include a review process, like what currently exists for athletes.

7.3 Governance

9. The OVA is to consider an amendment to the OVA’s by-laws, Article IV, Governance of OVA’s, to require representation of members of equity-deserving groups, including persons who identify as Indigenous, racialized, LGBTQI2S, women and living with a disability.
10. The OVA is to engage in active recruitment of members of equity-deserving groups, in particular BIPOC members, to seek nomination to the Board of Directors and posting of nomination information in high-traffic areas for OVA members.
11. The OVA is to post IDEAC minutes on the OVA website to promote transparency.

7.4 Education and Training

12. The OVA is to commit to consistent and ongoing learning about discrimination, racism, and anti-racism with particular emphasis in the sport. This could include annual workshops or training at all levels of the OVA, including staff, board

members, coaches, referees, athletes, and parents. Workshops could be held online, at clinics or at the Ontario Provincial Championship Tournament. The training would be mandatory for OVA staff and Board members.

13. At the next Coaches' Summit, the OVA is to consider adding an anti-racism training, including unconscious bias and racism.
14. The OVA is to consider whether a "Referee Summit" is feasible at Ontario Provincial Championship Tournament. If so, the OVA to consider adding anti-racism training, including unconscious bias and racism.

7.5 Recruitment and Retention

15. The OVA is to consider developing a BIPOC coach and referee recruitment, mentorship and retention initiative.
16. The OVA is to consider developing a BIPOC Coach Developer recruitment initiative, while balancing regional training requirements.

7.6 Hearing from OVA Members

17. The OVA is to establish a process for identifying equity-related concerns. For example, the IDEAC could survey OVA members to amplify their concerns, understand the issues experienced by equity-deserving groups in general, and support the Committee and the Board in determining DEI priorities.
18. The OVA's annual end of season survey to all OVA members should include equity-based questions to proactively track the experience of OVA members. The questions should be developed in consultation with the IDEAC, and the information received should be monitored at the IDEAC and Board level. The OVA should also create an annual survey of its staff and Board members to gather the same information.

7.7 Investigations

19. The OVA is to direct to the OSIC the allegations of the underlying Investigation 1, and the decision not to proceed to a discipline hearing.

20. The OVA is to continue to highlight how to make a complaint, and that individuals should not fear reprisal if they do so. The OVA is to provide assurances to OVA members that they have the right to make complaints to the OVA and the OSIC without fear of retaliation or reprisal, and that if they are subject to retaliation or reprisal, there are complaint mechanisms to protect them, consistent with Section 5.14 of the UCCMS, which considers retaliation as a Prohibited Behaviour. Consider adding this information to registration, tournament information, and other high-volume traffic areas for OVA members.