



**DOCUMENT TITLE:** OSIC GUIDELINES REGARDING INITIAL REVIEW & PRELIMINARY ASSESSMENT OF COMPLAINTS

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## 1. PURPOSE

The purpose of these Guidelines is to outline the approach of the Office of the Sport Integrity Commissioner ("OSIC") to address the initial review and preliminary assessment of complaints concerning alleged violations of the Universal Code of Conduct to Prevent and Address Maltreatment in Sport ("UCCMS") and to ensure that any such approach is consistent with the OSIC Mandate and the Policies & procedures (as defined below).

## 2. DEFINITIONS AND APPLICATION

For purposes of these Guidelines:

**Complaint** means a duly completed and submitted complaint intake form, the receipt by the OSIC of information expressly deemed by the OSIC to constitute a complaint, or a complaint initiated by the OSIC in accordance with the Policies & Procedures, in each case regarding an alleged violation of the UCCMS.

**Initial Review** means the review by the OSIC of a Complaint, in accordance with section 4a. of these Guidelines.

**Policies & Procedures** means the UCCMS, these Guidelines, applicable policies and procedures of the OSIC, Section 8 of the Canadian Sport Dispute Resolution Code, and applicable laws.

**Preliminary Assessment** means the assessment by the OSIC of a Complaint, in accordance with section 4b. of these Guidelines.

These Guidelines apply to any person or organization associated with any such Complaint, including without limitation, any complainant, respondent and/or sport organization affected by any such Complaint.

## 3. ROLES & RESPONSIBILITIES

**OSIC:** The OSIC Director of Investigations (and/or their delegate) is responsible to perform the Initial Review and Preliminary Assessment of a Complaint.

At any point, in order to perform its duties under these Guidelines, the OSIC may request documents, materials, or other information. Any person subject to these Guidelines has an obligation to cooperate in good faith (and all applicable organizations are expected to encourage their staff and constituents to fully cooperate in good faith), including, without

limitation, by providing to the OSIC, in a timely manner, all relevant documents, materials or other information, subject to applicable laws.

#### **4. PROCEDURE**

The following section outlines the key elements of the Initial Review and Preliminary Assessment processes, from receipt of a Complaint until its Preliminary Assessment is completed.

##### **a. Process for Initial Review of Complaints**

A case file is opened automatically with the OSIC upon receipt of a duly completed Complaint form, which shall be filed through a secure, interactive online complaint form of the OSIC. A confirmation of receipt will be provided by the OSIC, along with information to the complainant(s) regarding available resources, including applicable legal aid and mental health referrals.

For purposes of clarity, the OSIC, acting independently, is responsible for receiving and addressing the Complaint, in accordance with the OSIC Confidentiality Policy.

Prior to conducting a Preliminary Assessment, the OSIC will examine the Complaint for:

- Completeness, to identify any gaps that may prevent a Preliminary Assessment from reaching a determination; and
- Time-sensitivity, to identify whether the next steps may need to be accelerated.

##### **b. Preliminary Assessment**

The OSIC must conduct a Preliminary Assessment of every Complaint.

The Preliminary Assessment is a gatekeeper function to assess a Complaint procedurally, to determine where it goes next in the process or whether it should proceed at all (i.e. whether, on its face, information in the Complaint indicates a potential violation of the UCCMS by a respondent over whom the OSIC has jurisdiction). The Preliminary Assessment does not evaluate the merits of a Complaint.

For example, considerations to be addressed as part of the Preliminary Assessment could include:

- Is there adequate information in the Complaint to assess?
- Is there a legal duty to report to police/child protection?
- Does the Complaint disclose a potential breach of the UCCMS by the respondent?
- Is there jurisdiction for OSIC to deal with the Complaint (e.g. OSIC program signatory organization, respondent being a participant under the UCCMS, historical case considerations, etc.)
- Is this a duplication of proceedings?
- Are Provisional Measures warranted<sup>1</sup>?
- Is this a frivolous or vexatious Complaint or is the Complaint made in bad faith?
- Is mediation appropriate?
- Who should be notified of the Complaint and in what form?

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<sup>1</sup> Pursuant to *OSIC Guidelines on Provisional Measures*.

- Does the Complaint relate to another Complaint that is currently within the OSIC complaint management process?
- Is there information to suggest that there may be other violation(s) of the UCCMS that are not identified in the Complaint?

The OSIC has discretion to consider any relevant information as part of and/or in making a determination regarding the Preliminary Assessment of a Complaint.

### **c. Preliminary Assessment Outcome**

Possible outcomes to the preliminary assessment may include, without limitation:

- The Complaint is accepted and, by agreement of the parties, moves to mediation;
- The Complaint is accepted and moves to the investigation stage;
- The Complaint is not admissible before the OSIC and the case is closed. In such case and if considered appropriate and feasible by the OSIC in its reasonable discretion, and if the complainant consents, the OSIC may refer the Complaint to another appropriate organization.

Pursuant to the outcome of the Preliminary Assessment and in accordance with OSIC Confidentiality Policy, the complainant(s), the respondent(s), and/or the relevant sport organization may be informed, as applicable, of the outcome of the Preliminary Assessment and of any next steps.

### **d. Provisional Measures**

In addition to the above, Provisional Measures may apply at any stage of the Initial Review and Preliminary Assessment, subject to the terms of the OSIC Guidelines Regarding Provisional Measures.

## **5. RECORD KEEPING**

Records of all Complaints received by the OSIC, including information received further to an information request by the OSIC, will be maintained by the OSIC. All records will be kept confidential to the extent possible. The records will not be disclosed unless necessary to examine the Complaint, take other action in accordance with the Policies & Procedures, and/or as required by law.

## **6. CONFIDENTIALITY**

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

## **7. DOCUMENT REVIEW & DISCLAIMER**

These Guidelines may be amended and updated from time to time at the discretion of the OSIC. These Guidelines shall be applied and interpreted by the OSIC in its reasonable discretion.