



DOCUMENT TITLE: OSIC GUIDELINES REGARDING PROVISIONAL MEASURES

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1. PURPOSE

The purpose of these Guidelines is to outline the principles observed by the Office of the Sport Integrity Commissioner (“OSIC”) regarding Provisional Measures that may be necessary further to 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 applicable Policies & Procedures (as defined below).

2. 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.
- **Policies & Procedures** means the UCCMS, these Guidelines, applicable policies and procedures of the OSIC, applicable policies and procedures of the Director of Sanctions and Outcomes (“DSO”) or the Maltreatment in Sport Sanctions Council, Section 8 of the Canadian Sport Dispute Resolution Code, and applicable laws.
- **Provisional Measure(s)** means any temporary remedy warranted under special circumstances to preserve parties’ rights, both substantive and procedural, pending the final resolution of an alleged violation of the UCCMS. Provisional Measure(s) are not Sanctions (as defined in the UCCMS) and may take many forms as described in these Guidelines.

These Guidelines apply to any Provisional Measure(s) recommended by the OSIC in the context of any applicable Complaint.

These Guidelines apply to any person or organization associated with any Complaint, including, without limitation, any complainant, respondent, witness, Sport Organization and/or other third party affected by any relevant Provisional Measure(s).

3. ROLES & RESPONSIBILITIES

OSIC: The Sport Integrity Commissioner (and/or their delegate) may recommend the application of Provisional Measure(s) in relation to any applicable Complaint, in accordance with the Policies & Procedures.

DSO: The Director of Sanctions & Outcomes (“DSO”) (and/or their delegate) makes a decision regarding any Provisional Measure(s) recommended by the OSIC in accordance with the terms of the Policies & Procedures.

Sport Organization: The relevant Sport Organization is responsible to oversee the actual implementation of any Provisional Measure(s) decided by the DSO with its relevant participants and within its sport environment and jurisdiction.

The Sport Organization is also responsible to enforce and to implement (i) any necessary temporary safeguarding measure pursuant to the applicable policies and procedures of such Sport Organization pending the decision by the DSO to impose Provisional Measure(s), and (ii) any positive measure described in section 4d. of these Guidelines that may be considered necessary by the Sport Organization, in addition to the Provisional Measure(s) imposed by the DSO.

Any person: Any person associated with a Complaint, including, without limitation, any complainant, respondent, witness, and/or other third party affected by any relevant Provisional Measure(s), is responsible to respect and abide by the terms of any such Provisional Measure(s), as imposed by the DSO.

In exercising their duties under these Guidelines, the OSIC and the DSO may request documents, materials, and/or other information. Any person subject to these Guidelines is expected to cooperate in good faith (and all applicable Sport Organizations are expected to encourage their staff and constituents to fully cooperate in good faith), including, without limitation, by providing to the OSIC and/or the DSO (as applicable), in a timely manner, all relevant documents, materials and/or other information, subject to applicable laws.

4. PROCEDURE

This section covers the following:

- a. Timing
- b. Scope
- c. Considerations
- d. Range of measures
- e. Communication
- f. Enforcement
- g. Challenge

a. Timing

Provisional Measure(s) may be imposed and/or reviewed at any stage of a Complaint, including, without limitation, as part of any Preliminary Assessment (See OSIC Preliminary Assessment Guidelines), investigation, mediation, and/or arbitration. Provisional Measure(s) already imposed by the DSO will continue to apply pending the resolution of any challenge of the Provisional Measure(s) (pursuant to section 4.g. below).

b. Scope of Provisional Measures

Provisional Measure(s) can be imposed by the DSO following a recommendation received from the OSIC. The DSO may deviate from the recommendation of the OSIC should such recommendation be incompatible with (i) the UCCMS, (ii) the factors outlined in section 4c. of these Guidelines, and/or (iii) other applicable policies of the DSO.

Once Provisional Measure(s) have been imposed by the DSO, it is within the DSO's discretion to suspend, terminate, and amend the Provisional Measure(s) imposed.

c. Considerations for Granting Provisional Measures

As contemplated under the UCCMS, in assessing whether Provisional Measure(s) may be warranted in a particular case, the OSIC shall give consideration to and weighing of the following factors:

- (i) the seriousness of the allegations and the facts and circumstances of the case;
- (ii) the safety and well-being of participants and the sport community;
- (iii) potential risks and prejudice from action and inaction, with safety being paramount; and
- (iv) the best interest of sport and those who participate in it, including the views of the person(s) directly impacted.

In addition to the above, in making its recommendation, the OSIC may also consider the following:

- (v) *prima facie* jurisdiction of the OSIC, which pertains to the absence of a manifest lack of jurisdiction (e.g. if the Complaint does not relate to an alleged violation related to the UCCMS);
- (vi) urgency, i.e. irreparable harm which is neither remote nor speculative, but actual and imminent;
- (vii) the strength/likelihood of success of the respondent's case;
- (viii) the potential impact on public confidence in the OSIC and/or the Sport Organization; and
- (ix) proportionality of the Provisional Measure(s).

In order to assess the considerations listed above, the OSIC may, in its discretion and if appropriate, consult with any of the affected parties, request further information, and/or conduct further evaluation.

d. Range of Provisional Measures

In exercising their respective responsibilities as outlined in these Guidelines, the OSIC and the DSO may consider the following measures, individually or as a combination of multiple measures:

Category of Provisional Measure(s) (imposed on Respondent)	Factors/Considerations: Context/Time/Specific Individuals/Location	Examples
Change of Role		
<ul style="list-style-type: none"> • Suspension 	Temporary leave; Suspension; Time limit (pending completion of investigation; other)	E.g., Placed on leave pending outcome of investigation (applicable employment law should be considered, where relevant)
<ul style="list-style-type: none"> • Change of duties/contacts 	Reassignment/new or limited or changed duties/training assignment; timing	E.g., Temporary reassignment to coaching a different team pending completion of investigation
<ul style="list-style-type: none"> • Move a party in some way 	Where; when; for how long;	E.g., Change of office to another building; remote work
Prohibitions or variations on :		
<ul style="list-style-type: none"> • Contact 	Limits on contact; extent; who; when; how; where; for what purpose	E.g., Prohibited from attending a training facility while the complainant is there.
<ul style="list-style-type: none"> • Lodging 	Restrictions on lodging arrangements; prescriptions for lodging; who is impacted	E.g., Prohibited from staying in the same hotel as the team.
<ul style="list-style-type: none"> • Travel 	where; with whom: how; when?	E.g., Prohibited from travelling with the team.
<ul style="list-style-type: none"> • Communications 	Form; scope; purpose; timing; who? Restriction or prescription?	E.g. Communication limited to written communication only.
<ul style="list-style-type: none"> • Activities 	Type of activity; with certain people; timing; where?	E.g., No longer permitted to train in a specific venue; No coaching of minors; etc.

<ul style="list-style-type: none"> • Authority 	Limits on power/decision-making/authority over what and who?	E.g., Removal from team selection process; Requirement to abstain from decisions relating to a particular individual; Changing team selection process to committee versus individual decision
Monitoring		
<ul style="list-style-type: none"> • Addition of third party/observer 	Supervision or observation; Adding resources to provide more choice to participants	E.g., Assigning extra coach to team X; Requirement for Rule of Two usage.
<ul style="list-style-type: none"> • Monitoring/surveillance 	Ensuring safe atmosphere through oversight in some form	E.g., Video surveillance of given site;
<ul style="list-style-type: none"> • Check-ins 	Status checks with potentially impacted parties; reporting obligations; etc	E.g., Obligation to have weekly status meetings with supervisor; random site inspection visits
Other appropriate provisional measure(s)	<i>* deemed appropriate considering the unique circumstances of each case</i>	

In addition to the types of Provisional Measure(s) listed above, each of the OSIC, the DSO and/or the Sport Organization may recommend, and the Sport Organization may impose and implement, the following measures:

Positive Support (for any designated person)		
Assignment of Sport Organization resource	Counselling; emotional support; resources to reduce negative impact and improve comfort/safety	E.g., assigning a new coach to an athlete; access to counselling; etc.
Facilitation of adjustments needed at the Sport Organization in response to Provisional Measures.	Other remedial steps to improve the comfort and safety of all impacted persons	E.g., Offering training; mediation; mentoring; etc.

e. Communication

If applicable, the OSIC will provide its recommendation regarding the application of Provisional Measures to the DSO in accordance with the Policies & Procedures.

Each of the complainant, respondent and sport organization to the Complaint will be informed in a timely manner, and with appropriate level of detail of any Provisional Measure(s) decided and imposed by the DSO in accordance with the Policies & Procedures and other applicable policies and procedures of the DSO.

The OSIC will also inform each of the complainant and respondent of the status and next steps regarding applicable Provisional Measures, in accordance with the Policies & Procedures. The DSO may also communicate with each of the parties regarding Provisional Measures in accordance with policies and procedures of the DSO.

The communication steps outlined in this section 4.e. will apply similarly regarding any subsequent changes to Provisional Measures already imposed by the DSO.

f. Enforcement

Once imposed by the DSO, Provisional Measure(s) shall be binding, regardless of any ongoing challenge or dispute related to such Provisional Measure(s) and/or the Complaint. Failure to comply with Provisional Measure(s), while in effect, may result in further measure(s) being warranted by the DSO until such time as compliance occurs, and may be considered as relevant factor(s) in making a final determination on Sanctions (to the extent applicable) under the relevant policy (e.g. section 7.4 of the UCCMS). Failure to comply with Provisional Measure(s) shall also be considered as a separate violation of Section 5.13.1 (d) of the UCCMS, where applicable.

g. Challenge

Decisions made under these Guidelines, including, in particular, the decision by the DSO to impose or not to impose Provisional Measure(s), shall be dealt with in accordance with [Section 8 \(Specific Arbitration Rules for the Safeguarding Tribunal\) of the Canadian Sport Dispute Resolution Code](#). The Safeguarding Tribunal shall make no award of costs.

5. RECORD KEEPING

Records of all Provisional Measure(s) assessed by the OSIC and/or the DSO, including information received further to an information request by the OSIC and/or the DSO, will be maintained by the OSIC and/or the DSO, as applicable. All records will be kept confidential to the extent possible, subject to the Policies & Procedures. The records will not be disclosed unless necessary to administer the Complaint (including Provisional Measures) and/or to take other action in accordance with the Policies & Procedures.

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.