

## Legal Aid Program

### 1) Glossary

- a) **Assigned Counsel:** The lawyer assigned to a Program Client in accordance with section 3)c) of this document.
- b) **Key Stage:** A stage of the OSIC Complaint Management process or of the OSIC Sport Environment Assessment defined at Appendix A, at which Assigned Counsel must provide legal advice free of charge to the Program Client.
- c) **Program Client:** An individual eligible to access the OSIC Legal Aid Program.

### 2) Program Objectives

The OSIC Legal Aid Program was developed to assist members of the Canadian sport community. The main objective of the Program is to provide access to a roster of specialized lawyers to help all parties navigate the Complaint Management process or the first stage of the Sport Environment Assessment as defined at Appendix A.

Our commitments to the sport community are to:

- Ensure free-of-charge access to competent and adequate legal advice for eligible individuals **before** a Complaint or Request for a Sport Environment Assessment is filled; and
- Ensure free-of-charge access to competent and adequate legal advice for eligible individuals **during** the Complaint process.

### 3) Program Description

#### a) Overview

Program Clients, upon request, will have access to relevant advice at each Key Stage of the Complaint process or the Sport Environment Assessment process. The Program is free of charge for Program Clients, as long as consultations are happening within the parameters of the Program (see Appendix A).

The Program's roster of legal counsel consists of lawyers with various relevant specializations and areas of expertise.

#### b) Components

- i) The Program consists of a Key Stage model, according to which:
  - (1) Services offered through this Program, in the form of legal advice, are limited to the Key Stages;
  - (2) the Assigned Counsel will be available to provide advice, free of charge, upon request from the Program Client at Key Stages of the process (see Appendix A); and
  - (3) additional consultation can occur beyond the Key Stages outlined at Appendix A, subject to an agreement between the Assigned Counsel and Program Client.
- ii) The role of the Assigned Counsel will be to:
  - (1) provide advice at Key Stages, upon request by the Program Client;
  - (2) put the Program Client's best interest first in advising on any proper course of action to follow (i.e., above and beyond any ethical obligations they are already subject to per professional code of conduct); and

- (3) communicate respectfully with the Program Client and with personnel and agents of the SDRCC, including personnel and agents of the OSIC.

**c) Procedure**

- i) Determination of Eligibility:
  - (1) Eligibility is determined by the Support and Wellness Coordinator after reviewing the application form;
    - (a) If eligibility is confirmed, the Support and Wellness Coordinator will proceed with the Assignment of Counsel as outlined at section (d)ii) of this document.
    - (b) If eligibility is not confirmed, the applicant may be directed toward other legal resources (e.g., Provincial Legal Aid; SDRCC Pro Bono Program, etc.).
- ii) Assignment of Counsel
  - (1) Based on the information contained in the Program Client's application and availability of counsel, the Support and Wellness Coordinator will provide the Program Client with the names and curricula vitae/resumes of a selection of available counsel, from which the Program Client can make a selection;
  - (2) Upon the Program Client's selection of counsel, the Support and Wellness Coordinator will facilitate the first contact between the Assigned Counsel and the Program Client.

**ci) Eligibility conditions**

Admissibility to the OSIC Legal Aid program is determined based on the following criteria:

- i) The Program Client must be either:
  - (1) a victim/survivor of maltreatment in a situation that is *prima facie* admissible to the OSIC services (i.e., on its face, the information provided indicates a potential violation of the UCCMS by a respondent over whom the OSIC has jurisdiction), regardless of whether a Complaint has been filed; and/or
  - (2) a complainant or a respondent to a Complaint that has been filed with the OSIC and that is *prima facie* admissible to the OSIC services (i.e., on its face, the information provided indicates a potential violation of the UCCMS by a respondent over whom the OSIC has jurisdiction); and/or
  - (3) a Requester before formulating a Request for a Sport Environment Assessment.
- ii) The Program Client must be, or have been at the relevant time, a participant of a current Program Signatory;
- iii) The Program Client must partake (or have partaken at the relevant time) in competitive sport<sup>1</sup>;
- iv) The Program Client must have an annual income of less than \$100,000.

**cii) Conditions of Participation**

By applying to the Program, prospective Program Clients agree to:

- i) communicate respectfully with the Assigned Counsel, and with personnel and agents of the SDRCC, including personnel and agents of the OSIC;
- ii) unless agreed otherwise with the Assigned Counsel, only seek advice from the Assigned Counsel at Key Stages.
- iii) communicate with their Assigned Counsel and notify Support Services if they are engaging the services of an additional lawyer unaffiliated with the Program.
- iv) contact support-soutien@osic-bcis.ca for any inquiries regarding the Program.

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<sup>1</sup> This condition is waived for parties to a case that has been deemed admissible by the OSIC.

#### 4) Application Process

There are different avenues to apply to the Program.

- a) A victim/survivor/requester who has not filed a Complaint/Request to the OSIC can apply to the Program by:
  - i) Contacting the Abuse-Free Sport Helpline; or
  - ii) Accessing the application form directly via the OSIC website.
  
- b) A complainant or respondent to a complaint that has been filed with the OSIC:
  - i) Consulting the link to the Program application form included in correspondence from the OSIC;
  - ii) Contacting the Abuse-Free Sport Helpline; or
  - iii) Accessing the application form directly via the OSIC website.

#### Link to Application Form

[https://osicbcis.formstack.com/forms/osic\\_legal\\_aid\\_program](https://osicbcis.formstack.com/forms/osic_legal_aid_program)

#### Contact Information

For more information about the OSIC Legal Aid program, please contact:

[support-soutien@osic-bcis.ca](mailto:support-soutien@osic-bcis.ca)

### Appendix A

Services offered through the OSIC Legal Aid Program, in the form of legal advice, are limited to the Key Stages. Note that the Key stages may not occur in a linear order. Consultation can occur at other moments if a mutual agreement has been reached between the Assigned Counsel and the Program Client.

#### Key Stages:

| Stage   | Suggested Purpose  |
|---|--|
| Before or after filing a Complaint/Request for a Sport Environment Assessment | Overcome hesitancy:<br><i>Consultation with a (potential) complainant/requester to provide a better understanding of OSIC processes.</i>   |
| Upon receipt of a notice  | Process explanation:<br><i>Consultation with a respondent to provide a better understanding of the OSIC Complaint Management process.</i>  |
| Upon receipt of a response  | Process explanation:<br><i>Consultation with a complainant to review the respondent's response and to understand and evaluate potential next steps.</i>  |
| Upon receipt of a decision by the DSO   | Understand implications and grounds for a challenge:<br><i>Consultation, after a decision by the DSO, to better understand the decision and explore whether a challenge is warranted.</i>                              |
| When offered mediation  | Understand mediation and what to expect:<br><i>Consultation to provide a better understanding of the process of mediation, what it entails, and assist the Program Client in deciding whether to agree to mediate.</i> |
| Before signing a settlement   | Get advice on the terms of settlement:<br><i>Consultation to validate the Program Client's full understanding of the terms of settlement and their implications before signing.</i>                                    |
| Before an interview with an investigator                                      | Understand process and how to prepare:<br><i>Consultation before the investigation process in preparation for an interview with an investigator.</i>   |
| Before a testimony  | Understand process and how to prepare:<br><i>Consultation to prepare for a testimony and to have a better understanding of the process.</i>  |
| After Safeguarding Tribunal decision  | Understand implications and right of appeal sanctions:<br><i>Consultation to better understand the implications of the decision and to explore the possibility of an appeal.</i>                                       |
| Before victim impact statement  | Understand process and how to prepare:<br><i>Consultation to help prepare a statement.</i>   |