



ABUSE-FREE SPORT POLICY REGARDING “ON HOLD” PARTICIPANT STATUS

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1. PURPOSE

The purpose of this Policy is to outline the principles, procedures, and related considerations regarding “on hold” participant status that may be applied in the context of the Abuse-Free Sport Complaint Management process concerning alleged violations of the Universal Code of Conduct to Prevent and Address Maltreatment in Sport (the “UCCMS”).

In particular, the “on hold” participant status support the safe sport objectives of Abuse-Free Sport in relevant instances where an Identified Complaint (as defined below) may not be administered pursuant to the Abuse-Free Sport Complaint Management process due to the current sport participation status of an Identified Respondent (as defined below).

2. DEFINITIONS

For purposes of this Policy:

- (i) **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.
- (ii) **Complaint Management** means the process administered under Abuse-Free Sport to address alleged Prohibited Behaviour under the UCCMS, in accordance with relevant Policies and Procedures.
- (iii) **DSO** means the Office of the Director of Sanctions and Outcomes of Abuse-Free Sport.
- (iv) **Identified Complaint** means a Complaint that is admissible pursuant to applicable Policies and Procedures, or which is inadmissible due to the Abuse-Free Sport participant status of the Identified Respondent but would otherwise be admissible.
- (v) **Identified Respondent** means an individual accused of alleged violation(s) of the UCCMS in a Complaint, which individual is either (i) not a Participant under the authority of Abuse-Free Sport for purposes of administering the relevant Identified Complaint, or (ii) is under the authority of Abuse-Free Sport, but is not currently involved in activities/programs of a

Signatory Organization and/or is not partaking in the Complaint Management process for an Identified Complaint.

- (vi) **Policies & Procedures** means the UCCMS, this Policy, applicable directives, policies, and procedures of the Complaint Management process, only to the extent applicable, Section 8 of the Canadian Sport Dispute Resolution Code, and applicable laws.
- (vii) **“On Hold” Participant Status** means the “on hold” sport participation status of an Identified Respondent applied according to the process defined under this Policy.
- (viii) **OSIC** means the Office of the Sport Integrity Commissioner of Abuse-Free Sport.
- (ix) **Registry** means the registry of individuals whose eligibility to participate in sport has in some way been restricted, that is maintained by the OSIC for purposes of carrying out the objectives of the UCCMS and the Abuse-Free Sport program, in accordance with applicable laws.
- (x) **Program Signatory** means any relevant Abuse-Free Sport Program Signatory organization that is responsible for the implementation of an “On Hold” Participant Status in accordance with this Policy.

3. ROLES & RESPONSIBILITIES

Office of the Sport Integrity Commissioner (OSIC). The OSIC (and/or their delegate) is responsible for (i) collecting and reviewing relevant information pertaining to an Identified Respondent, (ii) recommending, if deemed warranted pursuant to the considerations outlined in this Policy, an “On Hold” Participant Status to the DSO, and (iii) maintaining the Registry in relation to an “On Hold” Participant Status, in accordance with this Policy.

Director of Sanctions and Outcomes (DSO). The DSO and Deputy Director of Sanctions and Outcomes (and/or their delegate) is responsible for the receipt of recommendations made by the OSIC in respect of an “On Hold” Participant Status and for making a decision with respect to the application of an “On Hold” Participant Status in accordance with this Policy.

In exercising their duties under this Policy, the OSIC and the DSO may request documents, materials, and/or other information from any source. All Program Signatories, sport organizations and other impacted persons/parties are expected to cooperate in good faith (or, as applicable, encourage staff and constituents to 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 requested information, subject to applicable laws.

4. PROCEDURE

a. “On Hold” Participant Status

In accordance with this Policy, the “On Hold” Participant Status process may be initiated by the OSIC at any stage of the Complaint Management process in relation to an Identified Complaint raised against an Identified Respondent. The “On Hold” Participant Status seeks to preserve individuals’ rights, both substantive and procedural, pending the appropriate eventual outcome of the Complaint Management process. The “On Hold” Participant Status is not a Sanction (as defined in the UCCMS) and does not mean that allegations against an Identified Respondent are proven, or that a determination was reached regarding a Complaint/Report, as described in this Policy.

b. Considerations/Factors for Recommendation and Decision to apply an “On Hold” Participant Status

In assessing whether an “On Hold” Participant Status may be warranted in a particular case, the OSIC and/or DSO, within their respective roles and responsibilities outlined in section 3 of this Policy, shall give consideration to and shall weigh the following factors:

- (i) the prima facie jurisdiction of the Complaint Management process;
- (ii) the seriousness of the allegations and the facts and circumstances of the matter;
- (iii) the safety and well-being of participants and the sport community;
- (iv) the actual and/or potential administration of the matter by another independent authority designated by a Program Signatory or otherwise pursuant to the UCCMS;
- (v) potential risks and prejudice from action and inaction, with safety being paramount;
- (vi) the best interest of sport and those who participate in it, including the views of the person(s) directly impacted; and
- (vii) the potential impact on public confidence in the Abuse-Free Sport program.

In order to assess the considerations listed above, the OSIC and/or DSO may, in its respective discretion and if appropriate, consult with any of the impacted persons/parties, Program Signatory(ies), other sport organization(s) and/or other independent authorities, request further information, and/or conduct further evaluation.

c. Process & Communication

An “On Hold” Participant Status may be recommended, reviewed and/or applied at any stage of Complaint Management, including, without limitation, as part of any preliminary assessment, investigation, mediation, and/or arbitration.

If and when deemed relevant, the OSIC will provide its recommendations regarding the application of an “On Hold” Participant Status to the DSO, in writing. In relevant circumstances, the OSIC may inform the Identified Respondent, relevant complainant, relevant Program Signatory(ies), other sport organizations, other independent authorities and/or other impacted

persons/parties on a need-to-know basis, that it has made recommendation(s) regarding an “On Hold” Participant Status to the DSO.

Once a recommendation regarding an “On Hold” Participant Status is received from the OSIC, reviewed and considered, the DSO may do the following:

- (i) Apply the recommended “On Hold” Participant Status;
- (ii) Decline to apply the recommended “On Hold” Participant Status; or
- (iii) Take such other action(s) as deemed appropriate in accordance with the relevant Policies and Procedures.

As applicable and appropriate in relevant circumstances, the Identified Respondent, other party(ies) to the relevant Complaint(s), Program Signatory and/or other independent authorities, will be informed in a timely manner, and with appropriate level of detail, of any “On Hold” Participant Status(s) applied by the DSO, in writing. The DSO will also provide a copy of its decision regarding an “On Hold” Participant Status to the OSIC.

The OSIC and the DSO may also further communicate with any of the parties regarding an “On Hold” Participant Status, as necessary, including with respect to any subsequent changes to an “On Hold” Participant Status.

d. Implementation and Enforcement

The relevant Program Signatories are responsible for the implementation of any “On Hold” Participant Status applied by the DSO within their sport environments, activities, programs and jurisdiction, in accordance with this Policy.

In particular, Program Signatory(ies) may not authorize participation of an Identified Respondent subject to an “On Hold” Participant Status in any form or capacity covered by Abuse-Free Sport, until such status has been lifted by the DSO and the Identified Respondent is not otherwise subject to imposed Provisional Measures or Sanctions pursuant to the relevant Policies and Procedures.

Once applied by the DSO, an “On Hold” Participant Status shall be binding, and shall remain in full force and effect irrespective of any ongoing concern or dispute related to this “On Hold” Participant Status. Failure to comply with an “On Hold” Participant Status, while in effect, may result in further measure(s) being recommended by the OSIC and/or imposed by the DSO in accordance with relevant Policies and Procedures.

e. Lifting “On Hold” Participant Status(s)

The DSO may suspend, terminate, and amend an “On Hold” Participant Status(s) at any time. Without limiting the foregoing, a Program Signatory and/or an Identified Respondent may request the OSIC and/or DSO to, and/or the OSIC may recommend the DSO to, suspend, terminate, and/or amend an “On Hold” Participant Status upon:

- (i) the Identified Respondent's participant status under Abuse-Free Sport being confirmed compliant by the OSIC (e.g. Abuse-Free Sport Participant Consent Form signed);
- (ii) the Identified Respondent confirming their acceptance in writing of the Complaint Management jurisdiction for an Identified Complaint, in accordance with the relevant Policies and Procedures; and/or
- (iii) an Identified Complaint having been administered and a decision rendered by the DSO regarding an alleged violation of the UCCMS by the Identified Respondent and, if applicable, a relevant sanction.

f. Concern regarding "On Hold" Participant Status

The Identified Respondent may formulate an inquiry or raise a concern regarding the use of their personal information in the context of an "On Hold" Participant Status pursuant to this Policy, in accordance with the provisions set forth in the Protection of Privacy Policy of the SDRCC (available <https://sportintegritycommissioner.ca/policies>).

g. Registry Update

"On Hold" Participant Status applied by the DSO will be added and maintained on the Registry by the OSIC, subject to applicable Policies and Procedures. Information regarding "On Hold" Participant Status(s) will only be made available to designated representatives of Program Signatories and subject to applicable confidentiality terms and conditions of the Registry.

h. Effect of an "On Hold" Participant Status regarding an Identified Complaint

In relevant circumstances, an Identified Complaint may continue to be administered under Abuse-Free Sport and relevant steps of the Complaint Management process may continue to advance while an "On Hold" Participant Status is in effect. For example, and without limitation, the OSIC may proceed to the preliminary assessment and/or an independent investigation of the Identified Complaint may be conducted, in accordance with the relevant Policies and Procedures.

5. RECORD KEEPING & CONFIDENTIALITY

Records regarding any "On Hold" Participant Status assessed by the OSIC and/or the DSO, including further information received following an information request by the OSIC and/or the DSO, will be maintained by the OSIC and/or the DSO, as applicable.

In accordance with the OSIC Confidentiality Policy, all records will be kept confidential, and will not be disclosed unless necessary to administer an "On Hold" Participant Status, a Complaint, or take other action in accordance with this Policy or other applicable Policies and Procedures.

6. REVIEW & INTERPRETATION

This Policy may be amended and updated from time to time by the OSIC and the DSO.

This Policy shall be applied and interpreted by the OSIC and/or DSO in their reasonable discretion.