

SUMMARY REPORT FROM EXTERNAL REVIEW PROCESS

Background

In November 2023, following the receipt by the SDRCC Board and the Maltreatment in Sport Sanctions Council of a complaint from a party having been involved in an Abuse-Free Sport process, the SDRCC resolved to commission a review of the program by independent experts.

Purpose

The purpose of an external review is to identify areas where improvements can be made or where there may be learning that will benefit Abuse-Free Sport and anyone involved in that mechanism going forward. It may also identify the need for policy revisions or for processes to be improved.

Scope

The External Review Committee was provided with a summary and framing of the issues raised in the complaint. The scope of the review was designed to address each aspect of the complaint received and touched broadly on the following key issues, among others:

- The scope of an investigation mandate and conditions under which the mandate can be expanded upon discovery of new facts;
- Factors influencing the assessment of investigation findings by the Director of Sanctions and Outcomes;
- Ways to reduce the need for a victim/survivor to re-tell their stories multiple times;
- Where lies the responsibility for associating a confirmed behavior with a UCCMS violation;
- The threshold for multiple boundary transgressions to be considered grooming;
- Guidance on sanctioning considerations that take into account the needs, expectations and reality of the parties involved;
- The value of letters of reference as evidence of good character;
- The standard of review that is most appropriate for the subject matter at hand.

Composition of the Review Committee

The committee was established through a call for expressions of interest which was disseminated in Canada, the United States and Europe based on recommendations and referrals by a network of independent experts from relevant fields of practice (regulatory, legal, child protection, victim services, etc.) The selection process yielded, on January 15, 2024, the following committee composition:

- [Erica Richler](#), Lawyer, Co-Managing Partner at Steinecke Maciura LeBlanc, Toronto, ON;
- [Dr. Danielle Moore](#), Vice President and Founder, The Army of Survivors, Lansing, MI;
- [Clayton Munroe](#), Associate Vice President, Student and Enrolment Services at Vancouver Community College (VCC), Vancouver, BC;
- [Judy Smith](#), retired, former Athletic Director at Dalhousie Agricultural Campus, Truro, NS.

Together the committee brought the voice and perspective of survivors, professional conduct regulators as well as specialists in complaint and discipline procedures. At their first meeting on January 23, 2024, the members designated Erica Richler to act as chairperson of the Committee.

Documentary Review

The committee obtained and used the following documents to inform their analysis and conclusions:

- Abuse-Free Sport website (<https://abuse-free-sport.ca/>), including the Universal Code of Conduct to Prevent and Address Maltreatment in Sport ("UCCMS"), the Canadian Sport Dispute Resolution Code, and OSIC policies and procedures;
- Complaint to SDRCC Chair (Case No 2022-09-0044);
- Complaint to MSSC Chair (Case No 2022-09-0044);
- Factual Findings Investigative Report;
- Appendices to the Investigation Report;
- DSO Report on Violations and Sanctions;
- Arbitral Award on Challenge of Violation Finding;
- Sep 12 to Nov 04 2022 Correspondence - Case 2022-09-0044;
- Nov 05 to Nov 14 2022 Correspondence - Case 2022-09-0044;
- Dec 02 to Dec 05 2022 Correspondence Re Sanctions and Expanded Scope - Case 2022-09-0044;
- 2022-11-15 Scope Statement RE 2022-09-0044 Investigation;
- 2022-12-02 Expanded Scope Statement RE 2022-09-0044 Investigation Final;
- Email correspondence between the External Review Committee and Dean Howie;
- Email correspondence between the External Review Committee and Marie-Claude Asselin;
- Email correspondence between the External Review Committee and Sarah-Eve Pelletier.

Recommendations and Follow up

As part of its report remitted to the SDRCC on March 26, 2024, the External Review Committee formulated 13 recommendations which were accepted by leadership of the Abuse-Free Sport program and, for the most part implemented as soon as possible. The following table show the recommendations and the actions undertaken jointly by the Maltreatment in Sport Sanctions Council and the SDRCC Sport Integrity Committee.

Recommendations	Actions Undertaken (completion date)
1. The External Review Committee recommends that the Abuse-Free Sport program revise the timing of the preparation of the Statement of Allegations so that it is prepared after an investigation is complete.	The process for preparing the Statement of Allegations has been revised to address concerns raised in the ERC report (May 2024)
2. The External Review Committee recommends that the Abuse-Free Sport program consider revising the process so that the DSO is the person to draft the "Statement of Allegations" after reviewing the investigation report. <i>It is then recommended that the DSO send the investigation report and the "Statement of Allegations" to the parties and invite them to make any submissions relating to the alleged violations and potential sanctions. Following receipt of any submissions, the DSO should issue a decision, with reasons explaining why findings of violations were or were not made, and why particular sanctions were or were not ordered.</i> The parties should be advised that this will be the process at the outset of the case so that they know there will be an opportunity to make submissions to the DSO.	The Abuse-Free Sport Policy Task Force approved revisions to the <i>Violations and Sanctions Policy</i> to permit such two-step process to take place prior to the DSO issuing a decision (June 2024)

Recommendations	Actions Undertaken (completion date)
<p>3. Whether or not the process for drafting the Statement of Allegations is revised (as set out in recommendations 1 and 2), the External Review Committee recommends that the process should be documented so that it is clear what the DSO's role is, who is responsible for preparing the Statement of Allegations, and when.</p>	<p>The internal procedures of the OSIC were amended to clarify the process for the preparation of the Statement of Allegations (May 2024)</p> <p>The public-facing policy to be updated accordingly (September 2024)</p>
<p>4. When an investigation scope is expanded to include additional factual allegations, the Committee recommends that the DSO should address those additional allegations explicitly in their decision and reasons to explain why the additional factual allegations do or do not support any additional findings under the UCCMS.</p>	<p>The DSO amended its process to implement the recommendation (May 2024)</p>
<p>5. The External Review Committee recommends that the Abuse-Free Sport program explore the possibility of implementing a complainant advocate program.</p>	<p>Recommendation to be made to the CCES for implementation (April 2025)</p>
<p>6. The External Review Committee recommends that OSIC consider whether to videorecord interviews with child witnesses.</p>	<p>The OSIC investigators are expected to audio-record all interviews already.</p> <p>Further considerations are taking place with regard to video-recording of child witnesses, with new directives to be issued to investigators (September 2024)</p>
<p>7. Where the complainants do not complete OSIC's online complaint form, the External Review Committee recommends that the investigator should ask the complainants about any parts of that form that may not have been addressed by the complainants. In particular, if a complainant does not complete the online complaint form, it is recommended that the investigator ask the complainant about their desired outcomes during the investigation.</p>	<p>The OSIC now specifically includes this in the investigator's mandate, when applicable (August 2024)</p>
<p>8. The External Review Committee recommends that if an apology is ordered, the complainant should be asked whether they would like to receive a copy of it before sending it to them.</p>	<p>The DSO amended its process to implement the recommendation (May 2024)</p>
<p>9. The External Review Committee recommends that OSIC staff, investigators and the DSO continue to receive ongoing training relating to "the effects of trauma on the people being served, so that all interactions with the organization reduce the possibility of retraumatization."</p>	<p>The professional development pathway for all concerned individuals includes training and refresher courses on trauma-informed practices (Ongoing)</p>

Recommendations	Actions Undertaken (completion date)
<p>10. If the DSO orders education as part of a sanction, the External Review Committee recommends that the DSO should be specific about what education is required to be completed so that all participants understand what must be completed in order to satisfy the sanction.</p>	<p>The DSO now consults parties prior to imposing training (June 2024) Plan is to develop a list of training resources and work with education specialists to advise on appropriate training (September 2024)</p>
<p>11. The External Review Committee recommends that investigators routinely ask respondents about the training they have completed that is relevant to the allegations and include that information in the investigation report, as this information can be relevant for the DSO when considering an appropriate sanction.</p>	<p>The recommendation has been implemented with a slight variation. The DSO is tasked with soliciting this information as part of the two-step process arising from Recommendation #2 (June 2024)</p>
<p>12. The External Review Committee recommends that care be exercised when ordering an apology to reduce the risk that it will re-traumatize the complainants.</p>	<p>The DSO amended its process to implement the recommendation (May 2024)</p>
<p>13. The issue of the appropriate standard to apply by the Safeguarding Tribunal raises questions about the overall design of the decision-making process when complaints are made under the UCCMS. The External Review Committee recommends that these questions be considered further by the SDRCC.</p>	<p>The SDRCC to implement as part of the required review of its tribunal procedural rules when the program transitions to the CCES (April 2025)</p>

Acknowledgements

The SDRCC is sincerely beholden to the person who raised their concerns about their experience going through the Abuse-Free Sport complaint management process, enabling it to continue to improve the quality of its processes and services to the sport community and, most particularly, to the survivors.

The SDRCC also thanks the dedication and professionalism of the members of the External Review Committee and the thoughtfulness of their recommendations.