

**IN THE MATTER OF COMPLAINTS SUBMITTED TO ATHLETICS ONTARIO UNDER THE  
TERMS OF ITS DISPUTE RESOLUTION POLICY**

BETWEEN:

CARLA WARWICK & TASHA WARWICK-FLETCHER (“Warwicks”)

And

KARL LAYNE (“Layne”)

**DECISION**

**BACKGROUND**

1. Carla Warwick is a head coach with the Mississauga Olympians Track and Field Club. Her sister, Tasha Warwick-Fletcher, is also a coach at the club.
2. Karl Layne is a former coach with the Mississauga Olympians Track and Field Club. He left the club in 2017. He is a current coach with the Boost Athletics Track Club, a club which he co-founded, and he is also an officer with Peel Regional Police.
3. Carla Warwick submitted a complaint to Athletics Ontario in August 2019 wherein she described an altercation between the Warwicks and Mr. Layne that occurred during a Provincial Outdoor Championships event being held at the University of Windsor. She also indicated she would submit a complaint to Peel Regional Police.
4. Mr. Layne submitted a complaint to Athletics Ontario about the incident as well. He indicated that he also reported the matter to the on-campus police at the University of Windsor. Mr. Layne requested that the incident be investigated.
5. Per Section 3 of the *Dispute Resolution Policy* (the “Policy”), the Board Chair of Athletics Ontario, Dean Hustwick, determined that that complaint fell within the limit and application of the Policy.
6. Per Section 4 of the Policy, Mr. Hustwick appointed an independent investigator to conduct an investigation. Daniel Fiorini was appointed as the investigator. Mr. Fiorini submitted a ‘Complaint & Harassment Investigation Report’ (“Investigator’s Report”) to Mr. Hustwick on November 2nd, 2019.
7. Per Section 5 of the Policy, Mr. Hustwick appointed me, Steven Indig, as the Hearing Panel. The parties had no objection to my appointment.
8. Per Section 6 of the Policy, I determined that a Preliminary Consultation was not required.
9. Per Section 7 of the Policy, I determined that an Oral Hearing Procedure was not required.
10. Per Section 8 of the Policy, I determined that the hearing would be held by way of documentary review. I sent the Investigator’s Report to both parties and offered each party an opportunity to respond to the report. Both parties sent a response.

11. As part of his response to the Investigator's Report, Mr. Layne submitted an 'OIPRD Investigative Report' which was an accounting of the investigation that took place following the Peel Regional Police receiving the Warwicks' complaint about Mr. Layne. Per Section 9 of the Policy, I determined that this report was relevant to the matters in dispute and considered it as part of the evidence.

12. I then sent each party the other party's written submissions and offered them a chance to submit a final rebuttal as well as any other material that may be relevant to the matter.

13. Final written submissions were due by February 18th, 2020. I reviewed the final submissions and determined that they did not include any new material that required another round of written responses from the parties. I further determined that I did not require any additional information from either party. Submissions therefore concluded.

## **DOCUMENTS CONSIDERED**

14. The following documents were considered:

- Warwick – Complaint Form and Email (August 6th, 2019)
- Warwick – Supporting Documents (emails and statements)
- Warwick – Response to Investigator's Report
- Warwick – Rebuttal to Layne Complaint (February 13th, 2020)
- Layne – Complaint Form and Summary
- Layne – Conclusion re: Complaint
- Layne – OIPRD Complaint from Tasha Warwick
- Layne – OIPRD Investigative Report (January 22nd, 2020)
- Layne – Final Submission (February 17th, 2020)
- Complaint & Harassment Investigation Report (November 2nd, 2019)
- Athletics Ontario – Dispute Resolution Policy
- Athletics Ontario – Code of Conduct – General
- Athletics Ontario – Code of Conduct – Coaches
- Athletics Ontario – Harassment Policy
- Athletics Ontario – Membership Policy
- Athletics Ontario – Discipline Policy

## **MATTERS TO BE DECIDED**

15. Per Section 10 of the Policy, I recognize that I may uphold the complaint, deny the complaint, or design a remedy that will resolve the dispute.

16. The Warwick complaint against Mr. Layne was investigated twice, by an independent individual appointed by Athletics Ontario (as 'Matter #2') and by the Office of the Independent Police Review Director (OIPRD). I am guided by the results of both investigations when deciding on the Warwick complaint.

17. Mr. Layne provides a different version of the incident/altercation in his complaint against the Warwicks. The Layne complaint was investigated by the independent individual appointed by Athletics Ontario (as 'Matter #1') and I am guided by the results of this investigation when deciding on the Layne complaint.

18. When deciding on both complaints, I considered the relevant conduct policies of Athletics Ontario to determine whether any of the parties were in violation of the standards for behaviour expected of coaches who are affiliated with Athletics Ontario.

### **POSITION OF THE WARWICKS**

19. I have read all of the submissions from the Warwicks.

20. The Warwicks alleged that:

- a) Layne has said that the Warwicks are 'bad coaches'
- b) Layne has tried to recruit athletes to his club
- c) Layne has boasted about his club compared to the Warwicks
- d) Layne has called the Warwicks thieves and said they steal money from athletes
- e) Layne's club copied the Warwick's apparel and warmup routine
- f) Tasha Warwick-Fletcher approached Layne at the Provincial Outdoor Championships. Layne jumped up from the floor aggressively and reached for her neck. He grabbed her shirt and then twisted her wrist
- g) During the above incident, Layne shouted that there was already one Warwick sister in jail, and he would make it two
- h) Layne swore repeatedly
- i) Layne's athletes attempted to hold him back and he told them to let him go so he could 'finish his business'

21. As part of their written submissions following their initial complaint, the Warwicks added the following information:

- a) The Athletics Ontario investigator should have given stronger consideration to the statements from the minor athletes affiliated with their club – and not given such strong consideration to the evidence from the adult coaches (who were provided to the investigator by Layne and who therefore are not independent)
- b) The Athletics Ontario investigator did not seek witnesses on his own accord and showed bias when he referenced statements from minor athletes affiliated with Layne's club while dismissing the written statements from the minor athletes affiliated with their club
- c) Some of the phrasing in the Investigator's Report showed bias toward Layne
- d) The investigator did not consider the notes taken by the on-campus police following the incident and the investigator admitted he did not have access to these notes
- e) The investigator focused on whether the incident constituted harassment and not whether the Code of Conduct - General (specifically paragraphs 2(a)(7-9)) was violated
- f) They were never under the influence of alcohol while acting in a coaching capacity

### **POSITION OF LAYNE**

22. I have read all of the submissions from Mr. Layne.

23. Mr. Layne alleged that:

- a) The Warwicks have had a history of disputes and Layne had spoken to them in the past about professionalism when they were all coaches at the same club
- b) Another Warwick sister was involved with the theft of a significant amount of money from another athletics association
- c) Club dysfunction prompted Layne to leave the club and co-found another club. The Warwicks have engaged in retaliatory acts ever since

- d) There were several concerning incidents involving athletes, both clubs, and behaviour on the part of the Warwicks (which Layne describes in detail)
- e) It seemed as if the Warwicks were 'partying all night' prior to the date of the alleged incident on August 4th
- f) Tasha Warwick-Fletcher aggressively approached Layne while yelling and screaming
- g) Warwick-Fletcher pushed her hand into Layne's face
- h) Layne grabbed Warwick-Fletcher's wrist and told her not to put her hands on him, and then released her wrist
- i) Layne has the authority under Section 34(1) of the Criminal Code to defend himself from an unprovoked assault
- j) Athletes from Layne's club got between Warwick-Fletcher and Layne
- k) Carla Warwick was present and was involved verbally with the athletes from Layne's club
- l) Layne reported the incident to campus police, and then pointed out Tasha Warwick-Fletcher who was leaving (which Layne believes demonstrated a guilty conscience since a victim would not leave when police arrive)
- m) All parties gave statements to campus police – and their descriptions of the incident differed
- n) Layne believes Warwick-Fletcher tried to bait him in order to discredit him and his club, but instead lost her cool
- o) Carla Warwick has spread false information about the incident

24. As part of his written submissions following his initial complaint, Mr. Layne added the following information:

- a) Layne reported the incident to his superiors who, following a preliminary investigation, determined that there was no misconduct and a full police investigation would not be necessary
- b) The OIPRD found that none of the allegations were substantiated
- c) The OIPRD investigator noted that Tasha Warwick-Fletcher, in her statement to on-campus police, said she was not assaulted
- d) The statements from the minor athletes affiliated with the Warwicks' club are conflicting and appear scripted (Mr. Layne circled portions of the written statements and indicated that they were changed before submission). They also omit important information that substantiate Layne's version of events
- e) The findings in the OIPRD investigation (initiated by the Warwicks) and the Athletics Ontario investigation (also an independent investigation) are comparable and show no wrongdoing on Layne's part

## **ATHLETICS ONTARIO INVESTIGATION**

25. The investigator collected statements from the parties and from witnesses identified by the parties. Minor athletes from both clubs submitted written statements. Three adult coaches from other clubs were interviewed on the phone by the investigator.

26. For Matter #2, the Warwicks complaint against Mr. Layne, the investigator noted the following:

*In spite of the fact that both Tasha and Carla, along with each of their witnesses, describe a violent and unprovoked attack carried out by Karl Layne against Tasha Warwick-Fletcher, they have chosen to focus on his communication with members of the Mississauga Olympians*

27. The investigator further noted that “no specific evidence has been provided of any violation of AO policy regarding harassment” and wrote that a case for harassment against Mr. Layne had not been made.

28. For Matter #1, the Layne complaint against the Warwicks, the investigator found that Layne’s version of events was more credible as it was supported by the three independent adult coaches who the investigator determined were unbiased. The investigator noted the following:

*Based on the information provided by witnesses, Karl Layne’s complaint that he was physically and verbally assaulted by Tasha Warwick-Fletcher and Carla Warwick has merit.*

29. The investigator also noted that the unsubstantiated complaint by the Warwicks against Layne that was sent to the OIPRD could have a negative effect on Layne’s professional life. The investigator concluded:

*The assertion that Layne initiated an unprovoked physical attack on either Tasha or Carla is not supported by the facts, and making a complaint of that nature will likely have the effect of bringing disrepute to Karl Layne*

## **OIPRD INVESTIGATION**

30. The two allegations that were considered by the OIPRD investigator were both the same – Discreditable Conduct (“uses profane, abusive or insulting language or is otherwise uncivil to a member of the public”). The first allegation was about Layne being uncivil and grabbing Tasha Warwick-Fletcher. The second allegation was about Layne’s abusive language and threatening to put her in jail.

31. The investigator collected written statements from witnesses and conducted phone interviews. Tasha Warwick-Fletcher and Mr. Layne each provided information for seven witnesses. The investigator also interviewed the Special Constable who was working for the on-campus university police.

32. For the first allegation, the investigator found the following:

*There is sufficient corroborative information to establish Detective Layne did grab the wrist of Ms. Warwick. It could not be established by OIPRD investigators whether that physical conduct was initiated by Detective Layne, or by Ms. Warwick. Nor could it be established whether the contact made by Detective Layne was in defense of himself from Ms. Warwick*

33. For the second allegation, the investigator found the following:

*Given Detective Layne’s occupation as a police officer, the comment made relating to there being not 1 but 2 sisters in jail may have demonstrated poor judgement. However, the comment does not amount to misconduct as defined in the Police Services Act.*

## **FINDINGS**

34. I reviewed the submissions and I make the following findings. In the section below, I am only referring to the findings that are relevant to my ultimate determination in this matter.

35. I have made these findings based on all the written submissions that were relevant. An omission in any part of this decision to reference a position of a party does not indicate that I did not consider that position in my decision.

36. The two investigations that were conducted are narrower in scope than the latitude I have as Hearing Panel in making my decision on the complaints. For example:

a) For the complaint submitted by the Warwicks against Mr. Layne, the Athletics Ontario investigator found simply that the case for *harassment* had not been made. It is within my mandate to uphold the complaint should I determine that *any* violation of the conduct standards expected of individuals affiliated with Athletics Ontario (such as are described in the *Code of Conduct – Coaches*) has occurred; and

b) The OIPRD investigator found that one allegation was not supported because it did not amount to misconduct as defined in the Police Services Act. This is obviously not the same standard that I am able to use in my determination on the complaint

37. I find the following:

- a) Both Tasha Warwick-Fletcher and Mr. Layne demonstrated disappointing conduct during the altercation, which occurred at a provincial competition and in front of minor athletes
- b) The history of conflict between the parties, most often initiated by the Warwicks (but not always), was undoubtedly a trigger for the altercation
- c) Both parties are adults and should be modelling superior dispute resolution strategies for their athletes – especially when in their presence
- d) Ms. Warwick-Fletcher was the clear instigator of the altercation
- e) Carla Warwick failed to diffuse the situation

38. Karl Layne has:

a) Violated the following sections of the *Code of Conduct – General*:

- 2(a)6) Be courteous and respectful to other members of the athletic community;
- 2(a)7) Refrain from the use of profane, insulting or offensive language

b) Violated following sections of the *Code of Conduct – Coaches*:

- 2(b)2) Treat fellow coaches and athletes that are not coached by them with due respect, both in victory and defeat, and encourage athletes to act accordingly

39. Tasha Warwick-Fletcher has:

a) Violated the following sections of the *Code of Conduct – General*:

- 2(a)6) Be courteous and respectful to other members of the athletic community;
- 2(a)9) Respect the dignity of others
- 2(a)11) Act in a manner that will bring credit to the athletics community and themselves;

b) Violated following sections of the *Code of Conduct – Coaches*:

- 2(b)2) Treat fellow coaches and athletes that are not coached by them with due respect, both in victory and defeat, and encourage athletes to act accordingly

40. Carla Warwick has:

a) Violated the following sections of the *Code of Conduct – General*:

- 2(a)6) Be courteous and respectful to other members of the athletic community;

b) Violated following sections of the *Code of Conduct – Coaches*:

- 2(b)2) Treat fellow coaches and athletes that are not coached by them with due respect, both in victory and defeat, and encourage athletes to act accordingly

## **SANCTIONS**

41. Per Section 10c) of the *Dispute Resolution Policy*, I have determined that the following remedies will apply:

a) Mr. Karl Layne must:

- Take the Respect in Sport program (<https://athleticsontario.ca/respect-in-sport/>) by April 15th, 2020. If Mr. Layne has already taken the program, he must re-take it.
- Receive a letter of reprimand from Athletics Ontario which must be placed in his file. The reprimand will remind Mr. Layne that he must model behaviour befitting a coach, youth mentor, and member of Athletics Ontario

b) Ms. Tasha Warwick-Fletcher must:

- Take the Respect in Sport program (<https://athleticsontario.ca/respect-in-sport/>) by April 15th, 2020. If Ms. Warwick-Fletcher has already taken the program, she must re-take it
- Take the NCCP Managing Conflict module (either online or in-person) at the earliest reasonable opportunity<sup>1</sup>. If Ms. Warwick-Fletcher has already taken this module, she must re-take it
- Receive a letter of reprimand from Athletics Ontario which must be placed in her file. The reprimand will remind Ms. Warwick-Fletcher that she must model behaviour befitting a coach, youth mentor, and member of Athletics Ontario

b) Ms. Carla Warwick must:

- Receive a letter of reprimand from Athletics Ontario which must be placed in her file. The reprimand will remind Ms. Warwick that she must model behaviour befitting a coach, youth mentor, and member of Athletics Ontario

<sup>1</sup> The next course is being held Friday, April 10th - <http://www.coachesontario.ca/events/toronto-nccp-managingconflict-3/>

42. Each of the parties is further directed to avoid and limit all contact with the other party, as well as with the athletes of the other party's club, unless absolutely necessary during training and competition.

43. Should Mr. Layne or Ms. Warwick-Fletcher fail to submit completion of the Respect in Sport program to Athletics Ontario by April 15th (and if Ms. Warwick-Fletcher fails to submit

completion of the NCCP Managing Conflict module by October 15th) they will be suspended from all sanctioned Athletics Ontario activities including coaching, training, and officiating until proof of completion has been submitted.

#### **ADMINISTRATION**

44. For the purposes of progressive discipline, this decision may be shared with a Panel or decisionmaking body if another complaint is submitted against any of the parties.

45. The Parties are reminded of the confidentiality provisions described in Section 12 of the *Dispute Resolution Policy*.

46. Per Section 15 of the *Dispute Resolution Policy*, the Panel's decision may be appealed.

Steven J. Indig, LL.B

February 24<sup>th</sup>, 2020