

## **Revisions to the AO Safe Sport Policy Manual**

The AO *Safe Sport Policy Manual* became effective October 7, 2020. The Board of Directors has approved some changes to certain of the policies in the Manual. The changes are effective May 19, 2021. The purpose of this release is to inform the Members about the changes.

These changes reflect AO's commitment to review its policies regularly and its commitment to fostering and maintaining a safe sport environment for every individual who is involved in the sport of Athletics in Ontario.

If you have any questions about these changes, or about any provision of any policy in the Safe Sport Manual, please contact: Anthony Biggar [safesportofficer@athleticsontario.ca](mailto:safesportofficer@athleticsontario.ca)

### **Code of Conduct - Additional Responsibilities - Coaches**

To address in a positive and more descriptive way the use of language by coaches, the following change has been made:

- s. 9 (o) Use **professional, inclusive, respectful** language, taking into account the audience being addressed.

### **Code of Conduct - Social Media**

The following section is added to address copyright issues relating to photos or videos:

18. Participants who post a photo or video on social media tagging Athletics Ontario or using one of Athletics Ontario's hashtags thereby grant Athletics Ontario permission to use that photo or video for non-commercial purposes. An example of a non-commercial use by Athletics Ontario is a highlights compilation video that has as its primary purpose celebrating Participants. Participants who post such photos or videos are encouraged to identify the photographer. Athletics Ontario will endeavour to identify the photographer if that information is readily available on the post. Athletics Ontario will not use any posted photo or video for commercial purposes unless it has secured the specific permission of the photographer.

### **Complaints, Dispute Resolution and Discipline Policy - Simplified Procedure: Handled by Safe Sport Officer & Full Procedure: Handled by Case Manager**

The following clarifying changes have been made to the following sections of this policy:

#### **Simplified Procedure: Handled by Safe Sport Officer**

- 22. Following the determination that the complaint should be handled under the Simplified Procedure provisions of this Policy, the Safe Sport Officer will review the submissions related to the complaint and determine **whether the complaint is outside the jurisdiction of this Policy or frivolous or not of a nature that is appropriate to be considered under this Policy and whether, on the balance of probabilities, an infraction has occurred. If the Safe Sport Officer determines the complaint is outside the jurisdiction of this Policy or frivolous or is not of a nature that is appropriate to be considered under this Policy, the complaint will be dismissed immediately. If the Safe Sport Officer determines that an infraction has occurred, the Safe Sport Officer will determine one or more of the following sanctions:**
  - a) Verbal or written reprimand [etc.]

## **Full Procedure: Handled by Case Manager**

### Appointment and Responsibilities of Case Manager

30. Following the determination that a complaint should be handled under the Full Procedure provisions of this Policy, the Safe Sport Officer, in consultation with the Chief Executive Officer, will appoint a Case Manager to oversee management and administration of the complaint. The Case Manager must be unbiased and not in a conflict of interest situation. Such appointment is not appealable.
31. The Case Manager has the responsibility, after consultation with the Chair of the Board of Directors, to:
- Determine whether the complaint is **outside** the jurisdiction of this Policy **or frivolous or not of a nature that is appropriate to be considered under this Policy**
  - Determine whether to propose the use of Athletics Ontario's *Alternative Dispute Resolution Policy*
  - Determine whether to appoint an Investigator to investigate the allegations
  - Appoint the Discipline Panel, if appropriate
  - Coordinate all administrative aspects and set timelines
  - Provide administrative assistance and logistical support to the Discipline Panel and Governance Committee as required
  - Provide any other service or support that may be necessary to ensure a fair and timely proceeding.
32. If the Case Manager determines the complaint is:
- Outside the jurisdiction of this Policy or frivolous **or not of a nature that is appropriate to be considered under this Policy**, the complaint will be dismissed immediately and the Case Manager will notify the Parties that the complaint is dismissed
  - Within the jurisdiction of this Policy and not frivolous **and not of a nature that is inappropriate to be considered under this Policy**, the Case Manager will notify the Parties that the complaint is accepted and of the applicable next steps.
33. **The Case Manager's decision to dismiss a complaint may be made at any time up to the time a Discipline Panel is appointed to consider the complaint.**
34. The Case Manager's decision to accept or dismiss the complaint may not be appealed.

## **Safe Sport Policy Manual; Complaints, Dispute Resolution and Discipline Policy:** **Application of this Policy and Jurisdiction**

The Policies contained in the *Safe Sport Policy Manual* are intended primarily to address issues of safety in the sport of Athletics, i.e. issues that involve breaches of the AO *Code of Conduct* that jeopardize the physical or psychological well-being of Participants involved in the sport of Athletics.

Additional language has been added on the front cover of the Manual and in the *Complaints, Dispute Resolution and Discipline Policy* to make clear AO's right to decline to consider a complaint and to provide some elaboration on the types of complaints that AO may decline to consider.

The following is the wording from the front cover of the Manual, with the additional language indicated in red:

Athletics Ontario has a fundamental obligation and responsibility to promote the health, safety and physical and mental well-being of every individual who is involved in the sport of Athletics in Ontario.

Athletics Ontario takes very seriously all situations involving discrimination, harassment, sexual harassment or breaches of its *Code of Conduct* or other forms of misconduct. For this reason, Athletics Ontario is committed to enacting and enforcing strong, clear, and effective policies and procedures for preventing and addressing all forms of misconduct. Athletics Ontario also has a role in providing education concerning matters relating to Safe Sport.

This Safe Sport Policy Manual outlines expected standards of behaviour that are designed to create a safe sport environment by preventing, as much as possible, inappropriate behaviour from occurring in the first place, and it contains policies and procedures to provide for consistent, timely, appropriate and meaningful action should any issues arise. **These policies and procedures are available to Participants who are making a complaint that involves primarily the safety of the sport environment.**

The following is the wording from the *Complaints, Dispute Resolution and Discipline Policy* relating to the “Application of this Policy and Jurisdiction”, with the additions indicated in red:

### **Application of this Policy and Jurisdiction**

3. This Policy applies to all Participants.
4. This Policy applies to matters that may arise in Athletics Ontario’s Sport Environment.
5. This Policy also applies to Participants’ conduct outside of Athletics Ontario’s Sport Environment when such conduct adversely affects relationships within Athletics Ontario and its Sport Environment, is detrimental to the image and reputation of Athletics Ontario, or upon the acceptance of Athletics Ontario.
6. For complaints related to a club that is a member of Athletics Ontario, if the Safe Sport Officer determines that the complaint may be handled more effectively by the club, the Safe Sport Officer may advise the Complainant to submit their complaint to the club. The Complainant may choose not to take such advice and may continue to proceed under this Policy provided that this Policy applies pursuant to section 4 or 5 above. Except in unusual cases, Athletics Ontario will not accept a complaint that has already been handled through a club process.
7. In all cases, applicability of this Policy will be determined by Athletics Ontario at its sole discretion and shall not be subject to appeal. **Without limiting the generality of the foregoing, if a Safe Sport Officer or Case Manager, as the case may be, determines that a complaint is outside the jurisdiction of this Policy or frivolous or not of a nature that is appropriate to be considered under this Policy, the Safe Sport Officer or Case Manager will dismiss the complaint.**
8. **This Policy is not intended to provide a process for Participants to resolve complaints that do not involve issues of a safe sport environment or complaints for which the appropriate remedy involves a monetary settlement or other sanction that is not within the power of Athletics Ontario to apply. For example, complaints that are at their heart an allegation of wrongful dismissal or other employment matter, trespass, libel or slander, breach of contract, etc. should not be pursued by a complainant using the procedures provided for in this Policy. Such complaints may be considered to be not of a nature that is appropriate to be considered under this Policy. Participants are invited to review the following government websites for information as to appropriate resources for pursuing matters that are not of a nature that are appropriate to be considered under this Policy [https://www.ontario.ca/document/your-guide-employment-standards-act-0](https://www.ontario.ca/document/your-guide-employment-standards-act-0;);**

<https://tribunalsontario.ca/hrto/what-we-do/>;  
<https://www.attorneygeneral.jus.gov.on.ca/english/courts/scc/>.

9. This Policy does not prevent immediate discipline or sanction from being applied as reasonably required. Further discipline may be applied according to this Policy. Any infractions or complaints occurring within competition will be dealt with by the procedures specific to the competition, if applicable and/or Athletics Ontario's *Event Discipline Procedure*. In such situations, disciplinary sanctions will be for the duration of the competition, training, activity, or event only.

### **New Appeal Policy & Use of SDRCC's Safeguarding Tribunal**

Effective January 1, 2021, the Sport Dispute Resolution Centre of Canada (the "SDRCC") added Article 8 to its Code and created the "Safeguarding Tribunal". This Tribunal provides arbitration services for hearing challenges to (i) Provisional Measures (e.g. a suspension pending a completion of an investigation or hearing, see s. 55 of the *Complaints, Dispute Resolution and Discipline Policy*); (ii) a finding on a violation (on limited grounds); and (iii) sanctions. <http://www.crdsc-sdrcc.ca/eng/dispute-resolution-code>

The Board has repealed the former *Appeal Policy* in the *Safe Sport Policy Manual* and replaced it with a new *Appeal Policy*. The new *Appeal Policy* provides that appeals of decisions under the *Complaints, Dispute Resolution and Discipline Policy* are to be handled by the Safeguarding Tribunal under the SDRCC Code.

The new *Appeal Policy* stipulates that the appellant (i.e. the person challenging) must pay the costs of the challenge unless the challenge is successful. The challenger would pay the initial retainer and agree to pay any further retainers (i.e. if the costs were exceeding the original estimate by the Safeguarding Tribunal). AO would reimburse the challenger if the challenge is successful. What constitutes "success" is outlined in the new *Appeal Policy*.