

December 16, 2019

Re: Universal Code of Conduct to Prevent and Address Maltreatment in Sport (UCCMS), Version 5.1

Canada's national sport community is dedicated to creating a safe sport environment. On behalf of the national sport organizations (NSOs), multisport service organizations (MSOs) and Canadian Olympic and Paralympic Sport Institute (COPSI) Network members, we are pleased to provide you with version 5.1 of a Universal Code of Conduct to Prevent and Address Maltreatment in Sport (UCCMS). The Code (still considered a draft, so not for broad distribution) will provide the foundation for the development of a coordinated implementation strategy to prevent and address maltreatment across all levels of the Canadian sport system, and for all participants (athletes, coaches, officials, administrators, practitioners, etc.). The Code is a result of an extensive consultation process that sought insight and expertise from within the sport system and from external subject matter experts. Throughout the process, the commitment to creating a safe sport environment has been clear. Thank you to everyone who contributed.

This context document provides important background information and expected next steps to ensure the time and expertise invested to date is not put to waste.

Initial Support for a Universal Code of Conduct

At their February 2019 meeting at the Canada Winter Games in Red Deer AB, federal-provincial-territorial sport ministers signed the Red Deer Declaration, committing to the elimination of abuse, discrimination and harassment in sport.

Between March and May, 2019, the Coaching Association of Canada hosted a series of Safe Sport Summits in every province and territory, carried out with financial support from Sport Canada and conducted in partnership with Provincial/Territorial Coaching Representatives and the Canadian Sport Institutes. The series culminated with a two-day National summit that shared insight from provincial/territorial discussion and built consensus on the need for a Universal Code of Conduct to stop abuse in sport.

Discussion at the Summits was complemented by a study of the prevalence of maltreatment among current and former national team athletes conducted by the University of Toronto in collaboration with AthletesCAN and supported by the federal government. Results were a grounding reminder of the need for action.

In response, the Canadian Centre for Ethics in Sport (CCES) was asked by Sport Canada to draft key components of a Universal Code of Conduct, including a set of guiding principles, definitions of misconduct, defined prohibited behaviours including all forms of abuse (sexual, physical, and psychological), and related sanctions for misconduct. CCES then partnered with the Sport Information Resource Centre (SIRC) to lead the consultation and engagement process.

National Sport Sector Consultation and Endorsement

Since June 2019, NSOs, MSOs and COPSI Network members been actively engaged in a multi-faceted consultation process led by SIRC. This involved the collection of feedback on early versions of the Code through an online consultation platform, three in-person meetings, engagement of an editorial working group inclusive of sector representatives and in collaboration with the NSO and MSO caucus chairs, as well as extensive one-on-one outreach. The engagement process was inclusive, thorough and responsive. SIRC's sector-focused, nimble approach enabled adjustments to be made to clarify the consultation objectives (focused on drafting the Code of Conduct, to be supported by later consultation on implementation), adjust timelines (e.g. to accommodate the Pan American and Para Pan American Games, and allow organizations to consult with their Boards and Safe Sport Committees), and expand the scope of the consultation to engage subject matter experts (see below). David Lech, General Council at CCES, led the initial development of the Code and, in collaboration with other staff from CCES and SIRC, integrated insight and feedback supporting subsequent versions.

At the end of September, the national sport community was invited to review version 4.0 of the Code and indicate their support. The endorsement process was completed by 63 of 88 NSOs, MSOs and COPSI Network members – a 72% response rate. Results indicated unanimous support in principle for the components of the Code of Conduct - 50% indicated *strong* support in principle, and 50% indicated support in principle. No respondents indicated that they did not support the Code.

Subject Matter Expert Consultation

As requested by the national sport community, version 4.0 of the Universal Code of Conduct was then shared with subject matter experts. The goal was to leverage the extensive and diverse knowledge and experience of independent experts and researchers to create an evidence-informed Code that could protect all participants in sport in Canada from maltreatment.

More than 20 experts were consulted with a broad range of organizations and areas of expertise, including child protection, criminal law, SDRCC Board, police, gender, LGBTQ+, para and persons with disabilities, athletes and coaches, and academics with expertise in child maltreatment and intimate partner violence. The insights and expertise provided by these experts complemented the feedback contributed by the sport sector.

The sport sector would like to thank the experts for their time, commitment and dedication to helping Canada develop a Universal Code of Conduct to Prevent and Address Maltreatment in Sport. Their timely and very thoughtful responses provided critical perspectives that have further strengthened the document. It is a testament to the power of sport and sincere desire by Canadians to make sport safe from maltreatment, that these highly respected individuals, leaders in their areas of expertise, were willing to contribute to this process. It is worth highlighting some of the feedback shared by experts congratulating the sport sector and the Government of Canada for working together to develop a Code, for its impressive quality, and for seeking external expertise to validate and strengthen the content.

Thank you for providing Version 4.0 of the UCC. We are so pleased that our organization was given the opportunity to provide input and feedback into earlier drafts of this document, and look forward to seeing the next version.

– Noni Classen
Canadian Centre for Child Protection
Expert in child sexual abuse

This is an exciting and huge step for sports in Canada!

- Claire Crooks, PhD

Centre for School Mental Health and the Faculty of Education, Western University
Expert in child maltreatment, intimate partner violence, sexual abuse, psychological abuse

Thank you for the opportunity to participate in a review of the Universal Code of Conduct, Version 4.0. I think that developing a UCC is a significant and welcome step in furthering sport in Canada. My overall comment is "wow"...Clearly much effort, good faith and strong drafting has gone into the developing versions of the UCC...There are four areas where I have made suggestions that directly respond to your request [relating to the scope of the UCC, obligations and duties flowing from the purpose of the UCC, the caveat around accepted coaching practices, and the wording of presumptive sanctions.] I gather from the UCC that there will be a separate document on implementation. I tried not to include any comments on process, but do have some suggestions, based on my own experience at the University with our sexual violence policy. I would be happy to share my thoughts on best practices at implementation if it would be helpful at some later date.

- Daphne Gilbert, PhD

Associate Professor and Vice Dean Governance, Faculty of Law, University of Ottawa
Expert in sexual assault law and sexual violence policy development

Thank you for asking me to assist this historic development of a Universal Code of Conduct for Sport in Canada. I want first to congratulate you--and all involved--in this visionary, ambitious, complex, and long-needed code.

- Ron Ensom, MSW, RSW

Ensom & Associates
Expertise in child maltreatment, intimate partner violence and abuse in sport

Thank you very much for the opportunity to review the most recent version of the Universal Code of Conduct – I'm delighted to contribute and share my perspective as a researcher, as well as practitioner at Gymnastics Canada. I'd also like to commend you for your dedication, effort, and collaboration in developing a comprehensive Code and making significant progress in a short period of time. It is an area of critical importance for all of us.

- Ellen MacPherson

Director, Safe Sport, Gymnastics Canada
Expertise in maltreatment in sport, international athlete protection initiatives and athlete welfare

I understand that the majority of athletes participating in sport are minors, so it is important to have clear expectations, boundaries and descriptions in this UCC. I also think it is important for the UCC to emphasize that this universal code of conduct also supports coaches and officials to have an expectation of an environment free of misconduct.

- Gail Donohue

Coaching Association of Canada License and Registration Committee

[It should be] a form of Misconduct for decision-makers making administrative decisions that place Participants in positions of vulnerability, for example by deciding that a coach and an athlete will share a hotel room to cut down on program costs. This absolutely needs to find a place in the Code somehow, whether on its own, or under Neglect, or under Aiding and Abetting. In our opinion, it needs to be there so that administrators are accountable for their own decisions in protecting (or not) their members.

– Board of Directors, Sport Dispute Resolution Centre of Canada

I recognize the importance of listing support persons, guides or pilots as potential perpetrators and victims of misconduct. I worry about the normative weight on the sport system this document will carry in articulating baseline Dependency Relationships. Perhaps [it should be included in] the Power Imbalance definition.

- Josh Vander Vies
Versus Law Corporation
Paralympian, expertise in athlete rights

It will be very important for me that whatever new Code emerges from this process is introduced and reinforced by a pan-Canadian educational and consultation strategy on the athlete-centred values of Canadian sport. The UCC must be part of a concerted, coordinated strategy/campaign to bring the culture of the Canadian sport system in line with the many promises for an “athlete-centered” system.

- Bruce Kidd, PhD
Faculty of Kinesiology and Physical Education, University of Toronto
Expertise in sport policy, with an emphasis upon equity issues

The integration of feedback from the subject matter experts was led by Dr. Gretchen Kerr from the University of Toronto, one of the principle investigators of the AthletesCAN study. Inviting Dr. Kerr to edit version 5.1 of the Code built on the extensive work done by the CCES' David Lech.

Selected recommendations and revisions from the experts and sector members integrated into version 5.1 of the Code:

- Both subject matter experts and sport sector stakeholders suggested that the original name of the document, *Universal Code of Conduct in Sport*, was ambiguous. For consistency with the purpose of the document, the title has been changed to *Universal Code of Conduct to Prevent and Address Maltreatment in Sport*.
- The Code was originally drafted using “Misconduct” as the umbrella term for abusive behaviour. However, this term was felt to be more closely related to rule and non-violent behaviour violations. The term “Maltreatment” is now used, encompassing the types of abuse and neglect to be prevented by this Code, and consistent with the academic literature.
- Definitions for abuse and neglect were revised to reflect current legal and academic definitions.
- Graphic and specific details related to sexual misconduct included in earlier versions of the Code were removed. Experts advised that what is more important from a policy perspective for people to understand that any sexual act committed without consent is sexual assault, and that children under 18 are for the most part not legally able to consent.
- Reporting obligations under child protection legislation and as a member of a sport organization were clarified. The Code should differentiate between the obligation one may have to report under child protection legislation (i.e., the duty to report a child in need of protection/intervention), and the obligation one may have as a member of a sport organization to report within a sport organization’s areas of concern.
- Exceptions based on “coaching standards that are professionally-accepted to Canadian standards” referred to in earlier drafts were removed. Accepted coaching/training methods should not be used to defend allegations of maltreatment. This Code should challenge everyone in the sector to prioritize the safety and integrity of all participants and maintain the highest professional standards.

Next Steps

The development of version 5.1 of the Code is understood by the sport sector as part of an ongoing staged process. It is expected that Sport Canada will work to engage the national sport community in the

coming months in a process to consider how the Code can and should be implemented from the national to community levels. Throughout the consultations with the sport sector, it was clear that the seriousness of the issues, complexity of the Canadian sport system and the diversity of participants demanded a thorough opportunity for discussion related to how the Code should be implemented. Feedback from the sector and subject matter experts was clear that the success of this initiative depends on comprehensive and nuanced communication and education strategies that would be developed to support implementation.

The following considerations were raised as elements to potentially be addressed in the next phase:

- The use of a process that builds on the engagement and momentum generated through the development of the Code to ensure the implementation best serves sport participants in Canada for the long term.
- Support for an independent mechanism to oversee reports of maltreatment.
- Consultation with and collaboration between national, provincial/territorial and community stakeholders and government departments to align funding, and current and future efforts.
- Consideration of jurisdiction over athletes, coaches, individuals and other groups.
- Development of a pan-Canadian approach to communication and education.
- The creation of specific educational materials for diverse stakeholder groups.
- Continued refinement of the Universal Code of Conduct to Prevent and Address Maltreatment in Sport, based on insight and advice received through the implementation process.

Final Thoughts

The Universal Code of Conduct to Prevent and Address Maltreatment in Sport is a strong, evidence informed, foundational document. For the first time in Canada, the national sport sector and leading experts from across the country have worked together to develop a Code to protect participants against maltreatment. The Code and its development process will provide a model for other countries and organizations, and demonstrate leadership, within Canada and internationally, to prevent and address maltreatment.

The national sport community is eager to continue to advance the Code and discuss next steps. Given the time and expertise invested by the sport sector and subject matter experts to date, it is essential that Sport Canada follow through on the promised consultations regarding implementation inclusive of education.