



DOCUMENT TITLE: OSIC POLICY REGARDING TREATMENT OF INFORMATION RELATED TO ALLEGED PROHIBITED BEHAVIOUR(S)

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1. CONTEXT AND PURPOSE

Over the course of its mandate and activities, the Office of the Sport Integrity Commissioner (“OSIC”) may receive information related to a person’s alleged Prohibited Behaviour(s) toward another person.

This Policy establishes how the OSIC addresses any such information received in the context of the OSIC’s operations, including without limitation, through Complaints, Reports, and Requests (as defined under the applicable Policies & Procedures). In particular, this Policy addresses how employees and agents of the OSIC discharge any applicable Reporting Obligation under the Universal Code of Conduct to Prevent and Address Maltreatment in Sport (“UCCMS”).

This Policy is in addition to, and does not supersede or replace, any requirement for the OSIC and/or any other person to share information with relevant authorities in accordance with a Legal Duty to Report¹.

2. DEFINITIONS

Unless expressly defined hereunder, capitalized terms used in this Policy have the meaning assigned thereto in the UCCMS.

For purposes of this Policy:

Adopting Organization means an organization that has adopted the current version of the UCCMS, as amended.

Policies & Procedures means the UCCMS, this Policy, applicable policies and procedures of the OSIC, the Canadian Sport Dispute Resolution Code and applicable laws.

¹ Legal Duty to Report: means the legal obligation to report potential abuse of a person under the age of protection in their province or territory of residence, in accordance with applicable provincial and territorial legislation. Depending on the applicable provincial/territorial laws, the OSIC may be obligated to contact the relevant law enforcement officials and/or child welfare authorities regarding applicable information in its possession, including without limitation, as disclosed in a Complaint, Report and/or Request. Other persons may also have a legal duty to report. Sharing information with the OSIC, including without limitation, through a Complaint/Report/Request, does not discharge any Legal Duty to Report a person may have under applicable legislation. Check the laws of your province/territory to understand your Legal Duty to Report.

Program Signatory means an Adopting Organization that is actively signed onto the Abuse-Free Sport program, which includes the complaint management services of the OSIC. The OSIC maintains a [public list](#) of active Program Signatories.

3. APPLICATION

This Policy applies to any employee or agent of the OSIC, including without limitation, any contractor, consultant and/or other person administering Policies & Procedures on behalf of the OSIC and subject to relevant confidentiality provisions with the OSIC.

4. ROLES & RESPONSIBILITIES

The OSIC, including in particular the Sport Integrity Commissioner and the Director of Investigations and Assessments (and/or their respective delegates), oversee the implementation of and compliance with this Policy.

5. OSIC TREATMENT OF APPLICABLE INFORMATION

The following section outlines how the OSIC addresses information related to allegations of Prohibited Behaviour that it may receive. If the information relates to the alleged Prohibited Behaviour of a Participant of an Adopting Organization toward another person, it will be addressed in accordance with the terms outlined in section 5a. below. In all other circumstances, section 5b. will apply.

a. OSIC Reporting Obligation under the UCCMS

This section outlines how the OSIC discharges of its Reporting Obligation under the UCCMS with regard to information received in the context of the its operations, including without limitation, through Complaints, Reports, and Requests.

Without limiting any Legal Duty to Report and consistent with the provisions of the UCCMS, the OSIC will discharge of its Reporting Obligation pursuant to the UCCMS by providing, on a timely basis, information in its possession regarding a Participant's alleged Prohibited Behaviour toward another person to the independent authority designated by the applicable Adopting Organization to receive Reports, understanding that:

- i. Information received by the OSIC regarding the alleged Prohibited Behaviour of a Participant who is under the authority of a Program Signatory does not create a Reporting Obligation on the part of the OSIC and will be treated in accordance with the applicable confidentiality provisions under the relevant Policies and Procedures;
- ii. When Disclosed to the OSIC in the context of the [Complaint Management process](#) (by way of a Complaint/Report or otherwise), [Sport Environment Assessment process](#) (by way of a Request or otherwise), or through another form of Disclosure, information regarding a Participant's alleged Prohibited Behaviour toward an adult, where such information relates to an Adopting Organization for which the OSIC is not the independent authority designated to receive Reports regarding alleged Prohibited Behaviour (ie., an Adopting Organization that is not a Program Signatory), will be considered by the OSIC to constitute an explicitly confidential Disclosure in accordance with Article 5.11.1 b) of the UCCMS and to therefore not create a Reporting Obligation on the part of the OSIC. Such information will be treated in accordance with the applicable confidentiality provisions under the relevant Policies and Procedures. In

particular, any such information will not be Reported to the independent authority designated by the relevant Adopting Organization to receive Reports without the prior express written consent of the adult who made the explicitly confidential Disclosure to the OSIC; and

- iii. If and when making a Report to an independent authority designated by an Adopting Organization to receive Reports regarding alleged Prohibited Behaviour, the OSIC will not determine whether a violation took place: instead, it will Report the objective behaviour in the form and manner deemed appropriate in the relevant circumstances and in accordance with the applicable Policies and Procedures.

b. OSIC treatment of information in other circumstances

Without limiting any Legal Duty to Report and consistent with the OSIC mandate as well as its [authority and jurisdiction](#), the OSIC will address information that is not otherwise subject to the terms outlined in section 5a. in the following manner:

- i. When made known to the OSIC in the context of the [Complaint Management process](#) (by way of a Complaint/Report or otherwise), [Sport Environment Assessment process](#) (by way of a Request or otherwise), or through another form of disclosure, information related to alleged Prohibited Behaviour(s) of a non-Participant toward another person, and/or where the information does not relate to a Program Signatory or other Adopting Organization, will be considered by the OSIC to constitute a confidential disclosure. Such information will be treated in accordance with the applicable confidentiality provisions under the relevant Policies and Procedures. In particular, any such information will not be shared by the OSIC with another authority without the prior express written consent of the person who made the confidential disclosure to the OSIC; and
- ii. If and when making a report to an authority designated by a non-Adopting Organization to receive information related to alleged Prohibited Behaviour(s) of a non-Participant, the OSIC will not determine whether a violation took place: instead, it will report the objective behaviour in the form and manner deemed appropriate in the relevant circumstances and in accordance with the applicable Policies and Procedures.

6. DOCUMENT REVIEW & UPDATE

This Policy may be amended and updated from time to time, as communicated by the OSIC.

7. DISCLAIMER

This Policy shall be applied and interpreted by the OSIC in its reasonable discretion.