



MALTREATMENT COMPLAINT MANAGEMENT POLICY

Classification:	OPERATIONS		
Policy Section/Contact:	Board	Approved By:	ELT
Effective Date:	March 20, 2023	Next Review Date:	October 1, 2023

PREAMBLE

1. Hockey Canada is a signatory of the Office of the Sport Integrity Commissioner (“OSIC”), an independent division of the Sport Dispute Resolution Centre of Canada (“SDRCC”) which comprises the functions of the Sport Integrity Commissioner. OSIC will have exclusive jurisdiction over all Complaints which involve a UCCMS Participant and an alleged violation of the UCCMS which occurred on or after October 27, 2022 (the “Signatory Date”). OSIC may also have jurisdiction over historic grievances (i.e., matters which occurred prior to the Signatory Date) where the complainant and the individual who is the subject of the complaint agree to have the matter addressed by OSIC, and OSIC agrees to accept such matter.
2. Despite the fact that Hockey Canada is a signatory of OSIC, there will be Complaints that fall outside of OSIC’s jurisdiction, including the following scenarios:
 - a. Historic Complaints where the Parties do not agree to the jurisdiction of OSIC or where OSIC does not agree to accept the Complaint;
 - b. Complaints under the jurisdiction of a Member which involve allegations of Serious Misconduct and which do not fall under the jurisdiction of a provincial safe sport body; or
 - c. Any other situation where OSIC declines jurisdiction and a Complaint needs to be addressed.
3. Accordingly, Hockey Canada has developed this Maltreatment Complaint Management Policy (the “Policy”) to provide a fully independent and procedurally fair manner to handle all Complaints which remain under its jurisdiction even though it has signed on to OSIC. This Policy shall be reviewed and adjusted from time to time to ensure that it is working effectively and as intended.
4. Hockey Canada has engaged an Independent Third-Party (“ITP”) to oversee its complaint mechanism. The ITP will be responsible for the administration of all Complaints, which will include accepting and screening Complaints, determining jurisdiction over the Complaints, determining the procedure that will be followed with respect to each Complaint, and selecting the Adjudicative Chair or Adjudicative Panel who will be responsible for assessing whether a Violation has occurred and what the appropriate discipline should be, if any.
5. Note that this Policy only applies where a Complainant has raised an allegation of Maltreatment. If the ITP receives a submission that is not related to Maltreatment, it shall summarily dismiss that submission in accordance with paragraph 12 of this Policy.



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Section 1 – Definitions

6. The below terms will have the following meanings for the purpose of this Policy:

- a. **“Adjudicative Chair”** means the individual appointed by the ITP to manage a complaint that the ITP determines should be handled under Process #1, as described below.
- b. **“Adjudicative Panel”** means the panel of either one (1) or three (3) people appointed by the ITP to conduct a hearing of a matter handled under Process #2, as described below.
- c. **“Complainant”** means an individual or organization who submits a Complaint.
- d. **“Complaint”** means an allegation submitted to Hockey Canada, a Member or the ITP that an Organizational Participant or a Member Participant, as the case may be, has engaged in behaviour that constitutes Maltreatment including, without limitation, Maltreatment-related behaviour arising out of an alleged violation of a policy or code of conduct by which that Organizational Participant or Member Participant is bound.
- e. **“Grooming”** means deliberate conduct comprised of one or several acts that, viewed objectively, either make it easier to engage in Sexual Maltreatment or reduce the chance that Sexual Maltreatment will be reported.
- f. **“ITP”** means Hockey Canada’s independent third-party, which is responsible for the management of all Complaints.
- g. **“Maltreatment”** means a volitional act and/or omission that results in harm or has the potential for physical or psychological harm, and includes psychological maltreatment, physical maltreatment, neglect, and sexual maltreatment as those terms are defined in the UCCMS and/or this Policy.
- h. **“Member”** means the duly constituted provincial, regional or territorial associations/federations listed in Hockey Canada By-Law 9.1 that are responsible for the management of amateur hockey within their geographic region.
- i. **“Member Participant”** means all categories of individual members and/or registrants of a Member (which include, but are not limited to, players, coaches, officials, team managers, administrators, instructors, employees, committee members, and board members) who are subject to the policies or codes of conduct of that Member.
- j. **“Minor”** means an individual who is under the age of 19 years old.
- k. **“OSIC”** means the Office of the Sport Integrity Commissioner.
- l. **“Organizational Participant”** means all categories of persons affiliated with Hockey Canada (which include, but are not limited to, players, coaches, officials, team managers, administrators, instructors, employees, contractors, volunteers, committee members, and board members) who are subject to the policies or codes of conduct of Hockey Canada.
- m. **“Party”** means a Complainant or a Respondent.
- n. **“Policy”** means this Maltreatment Complaint Management Policy.
- o. **“Power Imbalance”** means where one Organizational/Member Participant has authority or control over another person, is in a position to confer, grant or deny a benefit or advancement to the person, or is responsible for the physical or psychological well-being of the other person.



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- p. **“Respondent”** means the Organizational Participant or Member Participant who is the subject of a Complaint.
- q. **“SDRCC”** means the Sport Dispute Resolution Centre of Canada.
- r. **“Serious Misconduct”** means an allegation of misconduct which the ITP determines, in its sole discretion, would constitute a severe form of Maltreatment, if proven.
- s. **“Sexual Maltreatment”** means any pattern or a single incident, whether physical or psychological in nature, that is committed, threatened, or attempted, and that has the potential to be harmful to a person’s sexual integrity.
- t. **“UCCMS”** means the Universal Code of Conduct to Prevent and Address Maltreatment in Sport, as amended from time to time.
- u. **“UCCMS Participant”** means an athlete, coach, athlete support personnel, official, staff member, a contractual worker, an administrator, a volunteer or anyone else affiliated with Hockey Canada who has contractually acknowledged that they are subject to the jurisdiction of the UCCMS and OSIC.
- v. **“Violation”** means a finding that a Respondent has engaged in Maltreatment.

Section 2 – Where Can Complaints Be Submitted and How Will They Be Screened?

7. All Complaints against an Organizational Participant or a Member Participant should be made directly to the ITP, and should not be made to Hockey Canada. A link to make a direct complaint to the ITP is displayed prominently on the home page of Hockey Canada’s website. However, where Hockey Canada or a Member receives a Complaint directly, it will immediately refer the matter to the ITP for handling.
8. The ITP will conduct an initial review of any Complaint it receives to determine whether, in the ITP’s estimation, the matter falls within the jurisdiction of OSIC or a provincial safe sport body. If it does, then before the referral occurs, the ITP will notify the Complainant that they are referring the Complaint to OSIC or the relevant provincial safe sport body.
9. At its discretion, Hockey Canada or a Member may act as the Complainant and initiate the Complaint process under the terms of this Policy. For instances where Hockey Canada is considering acting as the Complainant with respect to a matter, a decision as to whether to initiate a Complaint will be taken by Hockey Canada’s Vice President of Sport Safety, in consultation with Hockey Canada’s General Counsel, Hockey Canada’s Associate Counsel, and Hockey Canada’s Associate Counsel – Insurance & Risk Management. Each Member shall determine its own process for determining who has the authority to initiate a Complaint under this paragraph. In all cases where Hockey Canada or the Member elect to initiate a Complaint, Hockey Canada or the Member, as the case may be, will identify an individual to represent the organization.
10. Complaints should be made in writing, wherever possible. The ITP may receive a Complaint that is not in writing at its sole discretion. The ITP may accept anonymous Complaints.



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11. The ITP may request additional information from a Complainant during the screening process.
12. If Complaints are received which do not contain allegations relating to an Organizational Participant or a Member Participant (for example, if the Complaint relates to someone who is participating in a non-sanctioned league), or a submission is received which does not contain any allegations of Maltreatment, then the ITP will dismiss the Complaint or submission immediately. The Complainant will be advised regarding the reasons for the summary dismissal, and such decision cannot be appealed. Note that even if a Complaint or submission has been summarily dismissed, there may be other avenues for the Complaint or submission to be brought. While the ITP or Hockey Canada may endeavour to assist, the ITP and Hockey Canada are not responsible for providing such advice or any direction to the Complainant in that regard.
13. Complaints may be brought by a Minor. Minors may, but are not required to, have a parent/guardian or other adult serve as their representative during the process set out in the Policy. For clarity, a Complaint will not be rejected on the sole basis that it was submitted by a Minor and not by a parent/guardian.

Section 3 – How Will Complaints Against Organizational Participants Be Managed?

14. If, after initial screening, the ITP determines that a Complaint against an Organizational Participant falls within the jurisdiction of this Policy, it will then determine, in its sole discretion, whether a Complaint should follow a summary procedure (“Process #1”) or a more comprehensive procedure (“Process #2”) as outlined below. At its sole discretion, the ITP may request additional information from a Complainant.
15. If the ITP assumes jurisdiction over a Complaint, the Respondent and the Complainant will receive a copy of the decision outlining the ITP’s reasons for assuming jurisdiction.

Process #1

16. Following the determination that a Complaint should be handled under Process #1, the ITP will appoint an Adjudicative Chair. The ITP will ensure that the individual selected to serve as the Adjudicative Chair does not have any real or perceived conflict of interest with any Party or any other individual or organization which could be impacted by the outcome of the Complaint.
17. Following their appointment, the Adjudicative Chair may proceed as follows:
 - a. Propose alternative dispute resolution techniques, where appropriate;
 - b. Ask the Complainant and the Respondent for either written or oral submissions regarding the Complaint;



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- c. Conduct any additional interviews which the Adjudicative Chair believes are necessary to gather all the relevant facts; and/or
 - d. Convene the Parties to a meeting, either in person or by way of video or teleconference, for the purpose of asking the Parties questions.
18. If the Complainant is a Minor and their parent, guardian or other adult representative was involved in submitting the Complaint, the Adjudicative Chair will communicate through that Party's parent, guardian, or other adult representative. The Adjudicative Chair will always communicate with Minor Respondents through the Party's parent, guardian, or other adult representative.
19. When the process described in paragraph 17 is complete the Adjudicative Chair will determine if a Violation occurred and if sanctions should be applied (see: **Section 5 – How Will Sanctions Be Determined?**). A short written decision, with reasons, will be released by the Adjudicative Chair to the ITP.
20. The ITP will provide a copy of the decision to the Parties and Hockey Canada's Vice President of Sport Safety, and the decision will take effect immediately.

Process #2

21. Following the determination that a Complaint should be handled under Process #2, the ITP will first consider whether, given the severity of the allegations against the Respondent, any interim sanctions should be issued. At its sole discretion, where it deems it necessary or appropriate, the ITP may impose interim sanctions. The Respondent and the Complainant may be invited to make submissions on interim sanctions. However, once ordered, an interim sanction cannot be appealed, takes effect immediately, and remains in place until the ITP determines otherwise or the Adjudicative Panel reaches a decision on the merits of the Complaint. The ITP shall communicate, in writing and with reasons, any decision taken pursuant to this paragraph to the Parties and to Hockey Canada's Vice President of Sport Safety.
22. The ITP will also consider whether alternative dispute resolution methods are appropriate. If they are, the ITP may order that any impacted Parties attempt to resolve the matter through such process. The ITP may engage the services of the SDRCC to conduct alternative dispute resolution where it deems it appropriate.
23. Where alternative dispute resolution is not appropriate or does not result in a resolution, the ITP may, where warranted by the matter before it, order that the matter be investigated by an independent investigator of its choosing. Although each investigator's mandate will be determined individually, they will be instructed by the ITP to conduct their investigation in accordance with the investigation guidelines found at Schedule "A" to this Policy.



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24. The ITP may require any Organizational Participant who is not a Party to participate in an investigation. Failure to cooperate may be the basis for disciplinary action including, but not limited to, a prohibition from participation in any current or future Hockey Canada program and/or a permanent suspension from registering with Hockey Canada in any capacity.
25. After the investigation is complete (or, in circumstances where the ITP has determined an investigation is not required, immediately after the ITP determines that alternative dispute resolution is not appropriate or does not result in a resolution), the ITP will:
 - a. Appoint an Adjudicative Panel – this may be either be a panel of one (1) or three (3), at the ITP’s sole discretion and depending on the severity of the allegations;
 - b. Coordinate all administrative aspects of the process and set reasonable timelines;
 - c. Provide administrative assistance and logistical support to the Adjudicative Panel, as required; and/or
 - d. Provide any other service or support that may be necessary to ensure a fair and timely proceeding.
26. The ITP will ensure that the individual or individuals selected to serve as the Adjudicative Panel do(es) not have any real or perceived conflict of interest with any Party or any other individual or organization which could be impacted by the outcome of the Complaint.
27. If the circumstances of the Complaint are such that adhering to any timelines initially set by the ITP will not allow a timely resolution to the Complaint, the ITP may direct that these timelines be revised.
28. Where the ITP appoints a three-person Adjudicative Panel, the ITP will select one member of the panel to serve as the chair.
29. The ITP, in cooperation with the Adjudicative Panel, will then decide the format under which the Complaint will be heard. This decision on the format may not be appealed. The format of the hearing may be an oral in-person hearing, an oral hearing by telephone or other communication medium, a hearing based on a review of the investigation report with the benefit of either oral or written submissions from the Parties, or a combination of these methods.
30. In setting the format for the matter, the ITP and the Adjudicative Panel will both keep in mind the impact the selected procedure may have on the Complainant. For instance, the format selected should avoid requiring the Complainant to re-tell their version of events multiple times throughout the course of the proceedings, unless this is absolutely necessary as a matter of procedural fairness.
31. If the Complainant is a Minor and their parent, guardian or other adult representative was involved in submitting the Complaint, the Adjudicative Panel will communicate through that Party’s parent,



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guardian, or other adult representative. The Adjudicative Panel will always communicate with Minor Respondents through the Party's parent, guardian, or other adult representative.

32. The hearing will be governed by the procedure that the ITP and the Adjudicative Panel deem appropriate under the circumstances. The following guidelines will apply to all hearings:
 - a. The Parties will be given reasonable notice of the day, time, and place of the hearing;
 - b. The Parties may engage a representative, advisor, or legal counsel at their own expense;
 - c. Unless the ITP or the Adjudicative Panel determines otherwise, the findings of the investigation report (if any) should not be relitigated and the Adjudicative Panel should avoid duplicating work already accomplished by the investigator;
 - d. A Party who is a Minor is not required to attend or participate in an oral hearing, if held, but their parent, guardian or other adult representative could attend on their behalf; and
 - e. The decision will be by a majority vote of the Adjudicative Panel, when the Adjudicative Panel consists of three people.
33. In fulfilling their duties, the ITP or the Adjudicative Panel may obtain independent advice.
34. After hearing the matter, the Adjudicative Panel will determine whether a Violation has occurred and, if so, the sanctions to be imposed. Within fourteen (14) days of the hearing's conclusion, the Adjudicative Panel's written decision, with reasons, will be distributed to all Parties by the ITP, including to Hockey Canada's Vice President of Sport Safety.
35. In extraordinary circumstances, the Adjudicative Panel may first issue a verbal or summary decision soon after the hearing's conclusion, with the full written decision with reasons to be issued before the end of the fourteen (14) day period.

Section 4 – When Will The ITP Assume Jurisdiction over a Member Complaint?

36. Although the ITP has been tasked with serving as Hockey Canada's independent mechanism, it has also been authorized by Hockey Canada, as the governing body of amateur hockey in Canada, to assume jurisdiction over certain Complaints which would otherwise fall under the jurisdiction of a Member.
37. The ITP will have sole discretion with respect to the Member Complaints over which it will assume jurisdiction. The following are examples of situations where the ITP may assume jurisdiction over a Member Complaint:
 - a. Where the ITP determines that a Complaint features allegations of Serious Misconduct against a Member Participant;



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- b. Where, in the estimation of the ITP, a conflict of interest might exist, or be perceived to exist, if the matter was handled by the Member; or
 - c. Where the Complaint features Parties from more than one Member and the Members involved cannot agree as to who should take jurisdiction over the matter.
38. For clarity and notwithstanding the sole discretion granted to the ITP in determining what constitutes Serious Misconduct, all Member Complaints which primarily advance allegations of: i) Sexual Maltreatment; ii) Grooming; or iii) any conduct which constitutes child abuse under relevant child protection legislation; will constitute Serious Misconduct and the ITP will assume jurisdiction over such Member Complaints.
39. If the ITP does not assume jurisdiction over the Complaint, the matter will be returned to the Member to be handled in accordance with its usual policies and procedures. In the case of anonymous Complaints, the ITP will obtain consent from the Complainant before returning the matter to the Member.
40. If the ITP assumes jurisdiction over the Complaint, the ITP will determine whether the Complaint should be handled pursuant to Process # 1 or Process # 2 as detailed above. It will then follow the selected process in the same manner as it would when dealing with a Complaint against an Organizational Participant. Accordingly, any reference to “Organizational Participant” in paragraphs 16 to 35 shall be understood to mean “Member Participant” when the ITP is handling a Member Complaint.
41. In some cases, the Member may have issued an interim sanction to the Respondent to a Member Complaint prior to the Member Complaint being referred to the ITP. In cases where the ITP assumes jurisdiction over a Member Complaint and an interim sanction is already in place, the ITP shall have the right to review, maintain, alter, or end the interim sanction at its sole discretion. In doing so, the ITP shall follow the process generally described in paragraph 21 above, regardless of whether the Member Complaint will be determined using Process #1 or Process #2.

Section 5 – How Will Sanctions Be Determined?

42. Prior to determining sanctions, the Adjudicative Chair or the Adjudicative Panel, as the case may be, will consider factors relevant to determining appropriate sanctions which may include:
 - a. The severity of the Violation;
 - b. Where applicable, the nature and duration of the Respondent’s relationship with the Complainant, including whether there is a Power Imbalance;
 - c. The Respondent’s prior history and any pattern of inappropriate behaviour;
 - d. The respective age of the individuals involved;
 - e. Whether the Respondent poses an ongoing and/or potential threat to the safety of others;



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- f. The Respondent's voluntary admission of the offense(s), acceptance of responsibility, and/or cooperation in the investigative and/or disciplinary process of Hockey Canada;
 - g. Real or perceived impact of the incident on the Complainant, Hockey Canada and/or its Members or the sporting community;
 - h. Circumstances specific to the Respondent being sanctioned (e.g. addiction; disability; illness);
 - i. Whether, given the facts and circumstances that have been established, continued participation in Hockey Canada-sanctioned programming is appropriate;
 - j. A Respondent who is in a position of trust, intimate contact or high-impact decision-making may face more serious sanctions; and/or
 - k. Other mitigating and aggravating circumstances.
43. Any sanction imposed must be proportionate and reasonable. Progressive discipline may be appropriate but is not required. A single incident may justify elevated or combined sanctions.
44. After considering the factors listed in paragraph 42 above, the Adjudicative Chair or Adjudicative Panel may apply the following sanctions, singularly or in combination:
- a. **Verbal or Written Warning** – A verbal reprimand or an official, written notice that an Organizational or Member Participant has committed a Violation and that more severe sanctions will result should the Organizational or Member Participant be involved in other Violations;
 - b. **Education** – The requirement that an Organizational or Member Participant undertake specified educational or similar remedial measures to address the Violation(s);
 - c. **Probation** – The requirement that an Organizational or Member Participant be placed under some form of supervision or monitoring for a certain period of time while participating in any program, activity, event, or competition sponsored by, organized by, or under the auspices of Hockey Canada. Should any further Violations occur during the probationary period, this will result in additional disciplinary measures, likely including a period of suspension or permanent ineligibility. This sanction can also include loss of privileges or other conditions, restrictions, or requirements for a specified period;
 - d. **Suspension** – Suspension, either for a set time or until further notice, from participation, in any capacity, in any program, activity, event, or competition sponsored by, organized by, or under the auspices of Hockey Canada. The reinstatement of a suspended Organizational or Member Participant may be subject to certain restrictions or contingent upon the Organizational or Member Participant satisfying specific conditions imposed by the Adjudicative Chair or Adjudicative Panel and noted at the time of suspension;
 - e. **Eligibility Restrictions** – Restrictions or prohibitions from some types of participation but allowing participation in other capacities under strict conditions;



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- f. **Permanent Ineligibility** – Ineligibility to participate in any capacity in any program, activity, event, or competition sponsored by, organized by, or under the auspices of Hockey Canada for the remainder of the Organizational or Member Participant’s life;
- g. **Other Discretionary Sanctions** – Other sanctions may be imposed, including, but not limited to, other loss of privileges, no contact directives, or other restrictions or conditions as deemed necessary or appropriate.

45. Sexual Maltreatment involving a Minor shall carry a presumptive sanction of permanent ineligibility.
46. Unless the Adjudicative Chair or Adjudicative Panel decides otherwise, any disciplinary sanctions will begin immediately and will remain in place pending the result of any appeal sought by the Respondent.
47. In addition to being subject to disciplinary action pursuant to this Policy, an employee of Hockey Canada who is a Respondent to a Complaint may also be subject to consequences in accordance with the employee’s employment agreement or policies for human resources, if applicable. This may take place prior to any determination of a Complaint handled pursuant to this Policy.

Section 6 – Can A Decision Be Appealed?

48. The decision of an Adjudicative Chair or Adjudicative Panel, as applicable, may be appealed to the SDRCC. All appeals will be subject to either:
- a. A policy or procedure agreed to between Hockey Canada and the SDRCC; or
 - b. If no such agreement exists, the existing policies and procedures of the SDRCC at the time the appeal is filed.

Section 7 – Is the Disciplinary Process Confidential?

49. The disciplinary process is confidential and involves the Parties (including, where appropriate, their guardian, parent or other adult representative), the ITP, the Adjudicative Chair or Adjudicative Panel, and any independent advisors to the Adjudicative Panel. Hockey Canada or a Member may be involved in the event a Complaint was initially submitted to it, but shall otherwise not be involved in the proceedings. Once initiated and until a decision is released, none of the Parties will disclose confidential information relating to the Complaint, including any interim sanction relating thereto, to any person not involved in the proceedings except to obtain legal advice or unless required by law.
50. There may be situations where the ITP is required to notify an organization such as an international federation, law enforcement, insurers, Sport Canada or other agencies as required by law that a complaint alleging a breach of the UCCMS or another relevant policy or code of conduct has been filed



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and disciplinary proceedings have been initiated. Even where such disclosure is required, all aspects of the Complaint will still be managed by the ITP in accordance with the Policy.

51. Any failure to respect the confidentiality requirement may result in sanctions by the Adjudicative Chair or Adjudicative Panel, as applicable.

Section 8 – How Will Decisions Be Recorded?

52. After being advised of a decision by the ITP, both Hockey Canada and the ITP will keep a record of the decision.
53. Any decision rendered in accordance with this Policy may, at the sole discretion of the ITP, be shared with other organizations, including the Members, OSIC, Sport Canada, as well as other National Sports Organizations, Multi Sport Organizations, or Provincial/Territorial Sport Organization.
54. The Adjudicative Panel will determine whether the decision is to be made public beyond those entities listed in paragraph 50.
55. Hockey Canada will also:
 - a. Provide copies of discipline and appeal decisions to the relevant Member and to the local hockey association with which the Respondent is affiliated; and
 - b. Recognize and enforce any sanction imposed by a Member or local hockey association.



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Schedule A – Investigation Procedure

Determination

1. When a Complaint is submitted pursuant to the Policy and is accepted by the ITP, the ITP will determine if the incident should be investigated.

Investigation

2. If it determines an investigation is necessary, the ITP will appoint an investigator. The investigator must be an independent third-party skilled in investigating. The investigator must not be in a conflict of interest situation and should have no connection to either Party or any other person or organization which may be impacted by the matter.
3. The investigator should be mindful as to whether federal and/or provincial/territorial legislation related to workplace harassment may apply, given the context of the Complaint.
4. Where a Party is a Minor, the investigator should direct all correspondence for that Party through the Minor's guardian, parent or other adult representative wherever possible.
5. If the subject matter of the Complaint is also being investigated by law enforcement, the investigator may be required to pause their investigation if instructed to do so by law enforcement.
6. The investigation may take any form as decided by the investigator, guided by any applicable federal and/or provincial/territorial legislation where in place. The investigation may include:
 - a) Interviews with the Complainant;
 - b) Witness interviews;
 - c) Statement of facts (Complainant's perspective) prepared by the investigator, acknowledged by the Complainant and provided to the Respondent;
 - d) Interviews with the Respondent; and/or
 - e) Statement of facts (Respondent's perspective) prepared by the investigator, acknowledged by the Respondent and provided to the Complainant.

Investigator's Report

7. Upon completion of their investigation, the investigator shall prepare a report that should include a summary of evidence from the Parties (including both statements of facts, if applicable) and recommendations from the investigator of whether, on a balance of probabilities, a Violation has occurred.



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8. The investigator's report will be provided to the ITP who will disclose it to the Adjudicative Panel. The ITP may also disclose the investigator's report – or a redacted version to protect the identity of witnesses – to the Parties, at the ITP's sole discretion.
9. Should the investigator find that there are possible instances of offence under the *Criminal Code* or behaviour which might constitute child abuse under the relevant provincial/territorial legislation, the investigator shall advise the Complainant and the ITP that it must refer the matter to police.
10. The presumption will be that the investigation report is determinative of the facts related to the Complaint. This presumption may be rebutted where a Party who does not agree with the findings of the report can demonstrate that there was a significant flaw in the process followed by the investigator or can establish that the report contains conclusions which are not consistent with the facts as found by the investigator. In situations where the presumption is rebutted, the Adjudicative Panel shall determine to what extent the investigation report will be accepted as evidence and to what extent a witness or Party may be required to give fresh evidence at a hearing. The Adjudicative Panel shall take a trauma-informed approach to all such determinations.

Reprisal and Retaliation

11. Subject to paragraph 12 of this Schedule "A", anyone who submits a Complaint to Hockey Canada, OSIC, or the ITP or who gives evidence in an investigation shall not be subject to reprisal or retaliation from any individual or group. Any such reprisal or retaliation may be subject to disciplinary proceedings pursuant to the Policy.

False Allegations

12. An Organizational Participant or Member Participant who submits allegations that the investigator determines to be malicious, false, not made in good faith, or made for the purpose of retribution, retaliation or vengeance may be subject to a Complaint under the terms of the Policy and may be required to pay for the costs of any investigation that comes to this conclusion. Hockey Canada or any Member(s) (as applicable), or the Organizational Participant or Member Participant against whom the allegations were submitted, may act as the Complainant.

Confidentiality

13. The investigator will take all reasonable efforts to protect the identities of the Complainant and the Respondent throughout their investigation. However, Hockey Canada, its Members, and the ITP recognize that maintaining full anonymity during an investigation may not be feasible.



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Revision History

<i>Date</i>	<i>Version #</i>	<i>Change</i>
March 20, 2023	2.0	<ul style="list-style-type: none"> Name changed from Discipline & Complaints Policy to Maltreatment Complaint Management Policy and several paragraphs amended to underscore the intention that the ITP is intended to focus on addressing complaints of maltreatment. Definition of “Maltreatment” added. Amended definition of Serious Misconduct to remove examples in an effort to preserve discretion for ITP. This notion of discretion has also been reinforced in amendments to the second paragraph under Section 4 (paragraph 37 in Version 2.0). Gave the ITP the discretion to accept anonymous complaints rather than having it be a requirement, as per the ITP’s recommendation. Added a paragraph confirming parties will receive a copy of the jurisdiction decision where the ITP assumes jurisdiction over a Complaint. Removed the first paragraphs under both the “Process #1” and “Process #2” headings, as they were deemed unnecessary. Amended process for the provision of interim sanctions. Amended various paragraphs to allow the ITP the discretion to forego investigations in appropriate circumstances. This would be the case, for example, where the facts are clear or not in dispute. A new paragraph was added (paragraph 38 in Version 2.0) to place certain limits on the discretion of the ITP and to require that they take jurisdiction over all complaints primarily advancing allegations of Sexual Maltreatment, Grooming, or child abuse. A new paragraph was added (paragraph 41 in Version 2.0) to acknowledge that Members may have applied interim measures concurrently with referring a matter to the ITP.
October 1, 2022	1.0	New