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# MALTREATMENT IN SPORT SANCTIONS COUNCIL

## TERMS OF REFERENCE

### I INTRODUCTION AND PURPOSE

The Maltreatment in Sport Sanctions Council (“the Council”) is a body, constituted independently from the Office of the Sport Integrity Commissioner to oversee the role of the Director of Sanctions and Outcomes as part of the independent safe sport mechanism implemented by the Sport Dispute Resolution Centre of Canada (“SDRCC”).

Beyond ensuring the effective operations of the Director of Sanctions and Outcomes, the Council, in consultation with the SDRCC’s Sport Integrity Committee, will make resourcing recommendations and determine the total amount of financial contributions required from Program Signatories to maintain expected service levels.

### II AUTHORITY AND REPORTING

The Council is accountable to the Canadian sports community to address discipline and sanctions when maltreatment in sport occurs. It is an independent, risk-focused public interest council tasked with overseeing the Director of Sanctions and Outcomes (“the Director”).

The Council’s discipline and sanctions objectives are:

- Ensuring that the Director promotes a fair, efficient, effective and open discipline process that responds to specific concerns about maltreatment in sports and balance all relevant interests;
- Ensuring that the Director applies the Universal Code of Conduct to Prevent and Address Maltreatment in Sport (UCCMS) fairly and consistently;
- Ensuring that the Director’s decisions protect and promote the public interest.

The Council will issue a public annual report, including audited Financial Statements to the Canadian sports community and provide a copy to inform the SDRCC’s Board.

The SDRCC has no operational authority over this Council.

### III COMPOSITION AND OPERATIONS

A. The Council will be comprised of five individuals who will be appointed through a public call for Council members. These individuals shall be completely independent from any

Program Signatories or individuals subject to the UCCMS. Two of the five individuals must meet the following criteria:

- a. A person who has competed as an athlete at a national level within the last 2 to 8 years;
  - b. A Level 3 NCCP certified former coach.
- B. Members of the Council shall not, for a two-year period prior to their appointment, have been affiliated with any Program Signatories or their international federations, been an athlete, coach, employee, board member, volunteer or sponsor of a Program Signatory, or been recently affiliated with anyone who is subject to the UCCMS.
- C. Council members, once appointed, shall designate a chairperson, who will remain as such until his/her mandate expires or the Council resolves by majority vote to name another chairperson.
- D. The Council as a whole must possess the required skills, knowledge, attributes and experience to enable it to fulfill its responsibilities in the public interest. Together, the Council members shall combine expertise in safe sport, legal and regulatory issues, and reflect the broad diversity of the Canadian sport community. The skills matrix is attached as Schedule A.
- E. The Safe Sport Working Group will appoint the inaugural Council through a public call. In order to ensure that the mandates are staggered, the inaugural members will be appointed for a mix of one (1) year, two (2) years, and three (3) years.
- F. Upon completion of their mandate or if any member of the Council is unable to complete their mandate, the majority of remaining voting members will appoint a replacement member following a public call for Council members.
- G. Except for the inaugural Council members, Council members shall serve four-year terms. Any Council members' mandate may be renewed for a second mandate of no longer than four (4) years. The maximum number of consecutive mandates is two (2).
- H. If at any point during their mandate a member of the Council becomes affiliated with an organization or individual such that they no longer fulfill the requirements set out at subsection III B, they must immediately declare such conflict and resign from the Council. In the absence of self-disclosure, the member may be removed from the Council by a majority vote of the other members.
- I. If at any point during their mandate a Council member is named as a Respondent (or equivalent) in a case arising from the application of the UCCMS, become subject to a sanction under the UCCMS, or become involved in any capacity in a case over which the Office of the Sport Integrity Commissioner has jurisdiction, the member shall disclose this fact to the Council. The member may be asked to resign from Council or recuse themselves from a decision-making process as directed by the majority of the remaining voting Council members.
- J. A majority of voting members shall constitute the Council's quorum. In the absence of consensus, decisions are made by a majority of voting members.

- K. Council members are not remunerated for their participation on the Council.
- L. The Council shall meet as required and at least once per year. Meetings may be held at any time to be determined by the Chairperson of the Council. Meetings will be conducted primarily by teleconference or videoconference, but also by email or other appropriate means.

#### **IV DUTIES AND RESPONSIBILITIES**

The Council shall be responsible for:

1. Ensuring the effective operations of the Director, including:
  - a) Engaging the Director and undertaking annual performance reviews and related employment matters;
  - b) Approving the policies and procedures to be implemented by the Director;
  - c) Ensuring that the Director's complies with the applicable policies and procedures;
  - d) Reviewing and approving the Director's operational budget;
  - e) Reviewing and approving contracts that exceeds the Director's financial authority, negotiations or disputes.
2. Making recommendations to the SDRCC regarding the resources necessary to deliver on its mandate to support an independent mechanism to implement the UCCMS.
3. Making recommendations to the SDRCC regarding the total volume of contributions required from Program Signatories in order to maintain the service operational.
4. Making recommendations to the SDRCC's Sport Integrity Committee on potential amendments to the UCCMS.
5. Making recommendations to the SDRCC on potential amendments to the Council's Terms of Reference.
6. Selecting and appointing an Auditor for its Financial Statement.
7. Reporting of discipline and sanction trends to the SDRCC's Sport Integrity Committee.

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## Skills Matrix

The Skills Matrix below is used to:

1. Identify the specific knowledge, skills, attributes, perspectives and experience required on the Committee;
2. Facilitate appointments that will fill gaps in the required knowledge, skills, attributes, perspectives and experience; and
3. Assist with identifying training and education needs on an ongoing basis.

As a whole, the Committee members must possess/demonstrate the following:

- Backgrounds and experiences reflecting the diversity of Canadian sport;
- Viewpoints from diverse experiences (lived and work), various backgrounds and specialties to inform dialogue and decision-making and contribute to decisions that meet the intended discipline objectives, are practical and ultimately, in the public interest; and
- Diverse leadership experience to promote knowledge and sharing of best practices.

Knowledge	Skills	Experience in	Attributes
<p><b>Knowledge Goal:</b> A Committee that understands the need and purpose of the independent safe sport mechanism.</p>	<p><b>Skills Goal:</b> A Committee that communicates effectively both orally and in writing Integrity and speak the truth; be able and willing to take full responsibility for decisions made; and follow through on commitments. Speaks as “one voice” when committee decisions are made, emerging from collaborative and meaningful engagement and discourse. Work with others effectively to support a culture of trust; be present and participate fully in discussions, fostering and promoting, not impeding or stifling, robust dialogue; and remain aware and sensitive to the impact of language used.</p>	<p><b>Experience Goal:</b> A Committee that has relevant professional, committee, Board, and work or lived to engage in an effective debate and decision-making.</p>	<p><b>Attribute Goal:</b> A Committee that has a strong ethical foundation, is organized, and meets deadlines, is collaborative in its decision-making, behaves in a fair, respectful and courteous manner. Open to new or broader perspectives; employ a learning mindset by listening and becoming better informed; and take time to self-reflect and acknowledge the impact of personal power and privilege when contemplating decisions. Commit to creating safe gathering spaces that welcome and support all who wish to connect, learn, share, belong, and grow. Have a clear understanding of personal strengths and privileges, the consequences of bias and potential conflicts of interest; recognize the value of continuous development and improvement; and be open to reflection, feedback, and opportunities to learn, relearn and unlearn.</p>

Knowledge	Skills	Experience in	Attributes
Knowledge of UCCMS			
Administrative Law			
Compensation and Human Resource Management			
Knowledge of the Discipline Objectives			
Knowledge of Safe Sport		<p>Experience in youth protection and security, ideally in a sporting environment</p> <p>Working with vulnerable populations</p> <p>Experience in overseeing, coordinating or administering maltreatment related complaint resolution process.</p>	
Good Governance Principles			
Risk Management		<p>Experience in developing and managing a Risk Registry</p> <p>Experience in identifying and executing high risk mitigations.</p>	
Accounting / Budgeting / Risk Management Oversight	Financial Literacy		