

TO: The Honourable Kirsty Duncan, Minister of Science and Sport

Dear Minister Duncan:

Canada is at a crossroads in its efforts to eliminate the scourge of gender-based violence in sport. It is clear that the 1996 Sport Canada policy to prevent harassment and abuse in sport has not been effective. We are therefore writing to give you our best advice on the direction that you and your Government should now take to address and prevent it.

As we understand, you are currently considering two distinct policy directions: on the one hand, the national sports organizations (NSOs) have proposed that they be given another chance to develop a sport-by-sport system of self-regulation, with more consistent enforcement by Sport Canada; on the other hand, a coalition of multi-sport organizations, researchers and retired athletes have proposed the establishment of a single, integrated, completely independent, pan-Canadian expert and arm's length system of education, investigation, adjudication and compliance.

The undersigned strongly urge you to endorse the second approach and put in place the steps to realize it.

The failure of self-regulation

While we respect the NSOs' commitment to safe sport and their desire to take responsibility for addressing gender-based violence, we have no confidence that self-regulation can be effective. Simply put, when the responsibility for deciding whether an investigation is needed, initiating investigations and assessing penalties within sport is borne by the very sports bodies where allegations arise, they will always be compromised (or appear to be compromised). Conflicts arise from the pressures they face to win medals and maintain funding from government and sponsors that is contingent on international success; from loyalty to their colleagues in positions of power; and from attempts to put their best face forward and maintain a positive image for their sport. These conflict with their duty to those who raise complaints of abuse and harassment.

Such conflicts have been demonstrated over and over again. Furthermore, sport-by-sport self-regulation means that there will be as many different approaches to gender-based violence as there are sports bodies, a situation that is inconsistent with the principles of uniform treatment and the values of Canadian sport. There is clear evidence of the failure of self-regulation. A 2016 study of 40 NSOs showed that after 22 years of Sport Canada's requirement to have a publicly accessible policy, many of the NSOs had limited policies, often hidden on their web site, or no policy at all. Despite the requirement that NSOs appoint arm's length harassment officers, only one of them did; instead, most allocated the responsibilities to a staff member, thus institutionalizing conflicts of interest. In no case did Sport Canada take corrective action against the sports bodies that failed to comply with the policy. The researchers concluded that neither

the NSOs (and provincial sport organizations) nor Sport Canada have the capacity to adequately address gender-based violence in sports.

Sport in Canada is **the only remaining child-populated domain that is self-regulating and completely autonomous with regard to the safety of children**, thus leaving young people vulnerable to experiences of harassment and abuse.

No country has ever developed an effective policy for sport organizations to self-regulate harassment and abuse. We are not aware of any institution or organization in or outside of sport that has effectively self-regulated an anti-harassment and abuse policy. On the contrary, there have been colossal failures of self-regulation in Major Junior hockey in Canada, in USA Gymnastics, at Penn State University, in British soccer, in the Canadian armed forces, in the Catholic church, and in the Boy Scouts, among many others.

Our proposed way forward

Based on the clear evidence available we strongly recommend that you publicly announce that Canada will end the reliance upon self-regulation and establish an independent system to address gender-based violence in sports, according to the following principles:

- A universal policy, with standardized definitions, procedures, and penalties
- The capacity to investigate all allegations of gender-based violence, and provide appropriate counselling to those affected
- Mandatory application to all federally-funded sports. (You will likely need to obtain consent from the NSOs and Athletes CAN, as a representative of national team athletes, but we are confident you can do so, following the procedures used to establish the Canadian Anti-Doping Agency (now CCES) in 1992.)
- 'Natural justice' for all persons accused of violations, and the protection of confidentiality for those who bring forward complaints
- Focus on education and prevention
- Appropriate funding and fee structures, so that there will be no financial barriers to individuals who bring forward complaints, nor burdensome penalties to the sports affected
- Appropriate oversight, with a governing body representative of the sports community

Given that there are different ways to create such an independent system, and many details to be determined, we also recommend that you establish a working group, comprised of athlete representatives, the sports bodies, researchers, and legal and public policy experts to advise you on the specific mechanism.

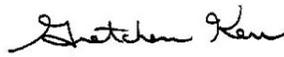
We recommend such a system be funded by the Government of Canada. We are confident that the benefits will far outweigh the costs, and result in the priceless benefit of safety from harassment and abuse to Canadian sport.

By establishing an effective independent mechanism you would be leading efforts to return Canada to the once-held position as an international leader in sport safety. With the public expectation that this generation will put an end to gender-based violence created by 'Me Too' and other initiatives, the time is auspicious. The creation of a Canadian system to address gender-based violence would constitute a major legacy of your leadership and the Trudeau Government. We are confident that you would win widespread support for such an approach.

We therefore strongly urge you to act in the way we have outlined, and if you do, we pledge our full support.

Thank you for your consideration.

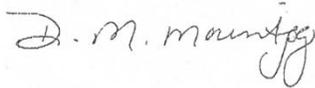
Sincerely,



Gretchen Kerr, Ph.D.
Professor, Faculty of Kinesiology and Physical Education
University of Toronto



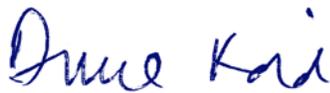
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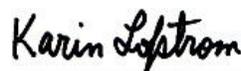
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Joy Spearchief-Morris, Athletics
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Pierre-Luc Laliberte, Canoe Kayak
AthletesCAN



Jillian Drouin, Athletics
AthletesCAN



Bo Hedges, Wheelchair Basketball
AthletesCAN



Robin Randall, Water Polo
AthletesCAN



Allison Forsyth, Alpine Skiing
AthletesCAN

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Liam Smedley, Canoe Kayak
AthletesCAN

Handwritten signature of Mercedes Nicoll in black ink.

Mercedes Nicoll, Snowboard
AthletesCAN

Handwritten signature of Ashley LaBrie in black ink.

Ashley LaBrie, Executive Director
AthletesCAN

December 7, 2018

Dr. Gretchen Kerr
Professor
Vice Dean, Programs, School of Graduate Studies
University of Toronto
55 Harbord Street
Toronto, ON M5S 2W6

Dear Dr. Kerr,

**Re: CCES Support for December 7, 2018 Open Letter to The Honourable Kirsty Duncan,
Minister of Science and Sport**

This letter is to confirm that the Canadian Centre for Ethics in Sport is in full support of the subject letter which encourages the Minister to address and prevent harassment and abuse in sport through the establishment of a single, integrated, completely independent, pan-Canadian expert and arm's length system of education, investigation, adjudication and compliance.

Thank you for your ongoing efforts in this respect. Please advise if any further action is required.

Yours truly,



Paul Melia
President and Chief Executive Officer

December 11, 2018

Dr. Gretchen Kerr
Vice Dean, Programs, School of Graduate Studies
University of Toronto
55 Harbord Street Toronto, ON
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Reference: Open Letter to Minister Duncan – Independent System to Address Gender-based Violence in Sport

Dear Dr. Kerr,

This letter is to confirm Gymnastics Canada's support for your recommendation to Minister Duncan to establish an independent and expert-based system to manage education, investigation, adjudication, and compliance within the national sport system to address and prevent abuse, harassment, and gender-based violence in Canadian sport.

At Gymnastics Canada, it is our utmost priority to create a safe, healthy, and fulfilling environment for all participants. As a front line National Sport Organization (NSO) in the area of safe sport, Gymnastics Canada is well aware of the functional limitations inherent within our environment. In our view, this proposal provides a logical, consistent, and sustainable approach to addressing what is easily the most concerning matter for sport in Canada.

While we recognize the efforts of the current MSO/NSO Committee exploring possible working options for our community, we wish to state now that we are not supportive of any options or proposals that involve a significant level of self-regulation. We do not believe that the majority of sport organizations have the ability to self-regulate to a level that is acceptable or progressive; there remain far too many examples of failures and gaps in our current system of self-regulation to ever realistically consider this approach as a legitimate option.

It is important to remind ourselves that sport is a reflection of society – while sport is nuanced in some of its practices and athlete training methods, these are not excuses to be used to avoid appropriate legislation and/or standards of practice that are reflective of societal expectations. Self-regulation presents a number of challenges in this regard - the most significant of which includes objectively assessing behaviour within the sport in question, and reluctance by participants in a sport to sanction other participants. An independent body will be far better positioned to address these issues.

Gymnastics Canada also believes that an independent body could provide significant positive benefits to the Canadian sport system. An independent body could acquire expertise in addressing situations in sport at a pace that would exceed any individual sport, thereby making for a much more robust and efficient system and ensuring best practices. Such a robust system could potentially deter individuals from engaging in inappropriate behaviour. In addition, the NSOs could devote less resources, and human capital in particular, to the enforcement process, and focus on making positive change to the culture and development of their sport.

We must act fast and decisively to save the Canadian sport system (both system-wide and within individual sports), and create a safe, inclusive, and welcoming environment for all who wish to participate well into the future. This will only be possible when Canadians have faith in the system oversight implemented for safe sport.

Sincerely,



William Thompson
Chair, Board of Directors
Gymnastics Canada



Ian Moss
CEO
Gymnastics Canada