

ANNUAL REPORT



PSC

PLAINTES
SPORT
COMPLAINTS

2023-2024

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Overview

This report has been prepared by Plaintes Sport Complaints (a division of Sport Dispute Management Inc.), the Independent Third Party (ITP) appointed by Hockey Canada to administer all maltreatment complaints under Hockey Canada's Maltreatment Complaint Management Policy (the Policy), previously the Discipline and Complaints Policy.



Jahmiah Ferdinand-Hodkin

Owner of Sport
Dispute
Management Inc.

This report provides non identifiable information about the Complaints managed by the ITP including the overall number of Complaints received, the status of the Complaints, the nature of the Complaints, the Complaint timelines and year over year metrics.

Current reporting period: July 1, 2023 to June 30, 2024 (referred to throughout as the Reporting Period).

To provide additional context, information regarding the ITP is in Appendix A and details on the Complaint process are in Appendix B.

Capitalized terms relate to definitions found within the Policy.

Executive Summary

During the Reporting Period, the ITP received Complaints from 1,886 Complainants pertaining to 2,073 Respondents.

Of the 2,073 Complaints, the ITP closed 1,960. In addition, the ITP closed 234 Complaints received during the previous season. Therefore, the total number of files closed during the Reporting Period is 2,194.

2,073
Complaints
Received

2,194
Complaints
Closed

1,886
Complainants



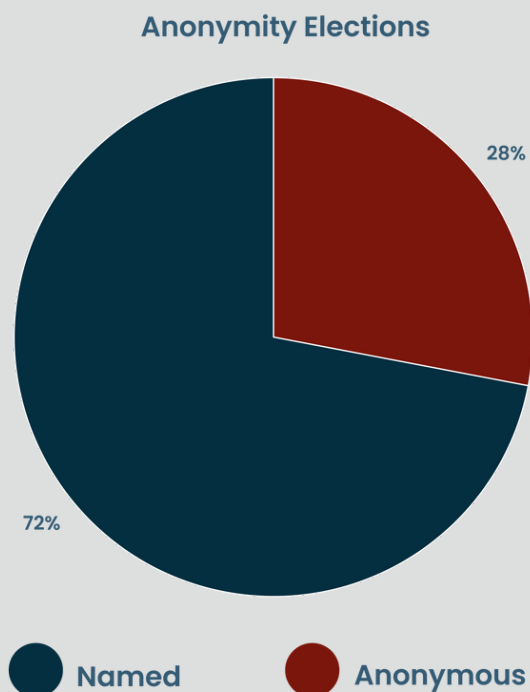
Anonymity

The Policy permits Complainants to pursue their Complaint while remaining anonymous to the Respondent(s).

The ITP will not share an anonymous Complainant's identity with Respondent(s).

For anonymous Complaints, investigators, adjudicators and mediators adjust their process to protect the identity of the Complainant while affording the Parties a procedurally fair process.

28% OF
COMPLAINANTS
CHOSE TO BE
ANONYMOUS



Complaint Pathway

The ITP assesses jurisdiction and assigns a process upon receipt of every Complaint.

→ Redirect

Maltreatment Complaints which do not fall within the ITP's mandate, as prescribed by the Policy, are redirected, on consent of the Complainant, to Members to review under their policies and procedures.

→ Summarily Dismiss

Complaints which do not relate to Maltreatment (for example, fee disputes) or are not pertaining to Hockey Canada participants are closed by Summary Dismissal order.

→ Accept

Maltreatment Complaints which fall under the ITP's mandate are addressed either under Process 1 (summary) or Process 2 (comprehensive) depending on a variety of factors including age of Parties, nature of the allegations and evidence provided.

COMPLAINT PATHWAY		
Pathway	Received During Reporting Period	Closed During Reporting Period Received Prior
Maltreatment Complaints - Redirected to Members	849	52
Rule 11.4 - Redirected to Members	530	
Redirected to OSIC	1	
Summarily Dismissed	291	38
Accepted under Process 1 or 2 of the Policy	402	144

Complaint Status

The status of a Complaint accepted by the ITP changes as it progresses through the Complaint process.

The Complaint process is established by the Policy.

Of the 2,073 Complaints received during the Reporting Period, 113 remained open at the close of the Reporting Period. Their status at the close of the Reporting Period is described below.

Note: Complaints are administratively suspended when the ITP cannot continue to administer the process for a period of time, for example, when a police investigation is ongoing.

COMPLAINT STATUS OF 113 OPEN FILES

Status	Files
Jurisdiction	2
Mediation	9
Investigation	44
Adjudication	52
Administratively Suspended	6



- File intake and review of materials;
- Clarification of allegations by Complainants;
- Drafting and approval of Jurisdiction Order.

- Mediation;
- Investigation; and/or
- Adjudication.

- Adjudicator issues decision;
- Parties reach negotiated resolution;
- Complainant withdraws; or
- Administratively dismissed.

Maltreatment Allegations

Every Maltreatment Complaint received is categorized by the ITP. If the Complaint contains allegations of Maltreatment, it is categorized as falling into *one or more* of the nine categories below. For example, one Complaint may be categorized as Bullying/Harassment, Physical Abuse *and* Discrimination. **Therefore, the data on pages 8 and 9 should be read as “Bullying/Harassment was found to be an allegation in 37.63% of the Complaints received.”**

MALTREATMENT ALLEGATIONS		
Maltreatment Allegation	Number of allegations in Reporting Period	Percentage of Complaints containing this allegation in Reporting Period
Bullying / Harassment	780	37.63%
11.4 Violations	529	25.52%
Discrimination	245	11.82%
Sexual Maltreatment	189	9.12%
Physical Abuse	164	7.91%
Social Media Harassment	117	5.64%
Abuse of Power	43	2.07%
Hazing	39	1.88%
Neglect	36	1.74%

Sexual Maltreatment is used broadly to include all forms of sexual maltreatment, whether physical or psychological in nature, including but not limited to social media harassment of a sexual nature, sexually based comments, grooming and physical sexual maltreatment.

11.4 Violations are reports submitted to the ITP by Members regarding discriminatory slurs on the ice not witnessed by officials. This reference is in connection with Hockey Canada Playing Rules, Rule 11.4 – Discrimination.

Non – Maltreatment Allegations

While the ITP's mandate is limited to processing Maltreatment Complaints under the Policy, it does receive other Complaints. The ITP tracks the non-Maltreatment Complaints it receives. The five primary types of non-Maltreatment Complaints the ITP receives pertain to process, field of play, false allegations, criminal charges and retaliation.

OTHER ALLEGATIONS		
Allegation	Number of allegations in Reporting Period	Percentage of total Complaints containing this allegation in Reporting Period
Concern regarding process	63	3.04%
Field of play	15	0.72%
False allegations	8	0.39%
Criminal charges	8	0.39%
Retaliation	5	0.24%

Complaint Timing

Please refer to page 20 for more information on process 1 and process 2 and page 21 for the redirect process.

INITIAL COMMUNICATION

1 DAY

- Within approximately 1 day of receipt of a Complaint the ITP will contact the Complainant, briefly explain the process, provide the unique Complaint file number as well as the name and contact information for the case manager responsible for the Complaint.

REDIRECTED

5 DAYS

- Redirected files are closed by the ITP within an average of 5 days of receipt.
- Within that time, the Complainant is notified that the Complaint is not in the ITP's jurisdiction, provided with a jurisdiction order and, if the Complainant consents, the file is transferred to the Member.

ACCEPT PROCESS 1

113 DAYS

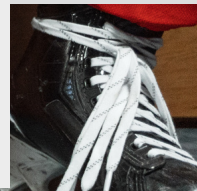
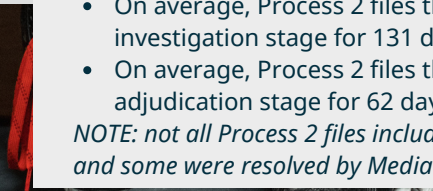
- Files accepted under Process 1 of the Policy are closed within an average of 113 days of receipt.
- On average, Process 1 files are in the adjudication stage for 86 days. This is longer than Process 2 matters as there is no separate investigation phase in Process 1 matters.

ACCEPT PROCESS 2

136 DAYS

- Files accepted under Process 2 of the Policy are closed within an average of 136 days of receipt.
- On average, Process 2 files that are investigated are in the investigation stage for 131 days.
- On average, Process 2 files that are adjudicated are in the adjudication stage for 62 days.

NOTE: not all Process 2 files included both adjudication and investigation and some were resolved by Mediation.



Accept Data – Process 1

256 PROCESS 1 FILES

CLOSED

204 CLOSED

- 37 complaints were withdrawn
- 11 complaints were settled by mediation
- 115 complaints were closed by adjudication
- 32 complaints were administratively dismissed
- 9 complaints were summarily dismissed

OPEN

52 OPEN

- 1 complaint in jurisdiction
- 9 complaints in mediation
- 42 complaints in adjudication

TIMELINES

- Average time in adjudication: 86 days
- Average total Days Open: 113 days



Accept Data – Process 2

146 PROCESS 2 FILES

CLOSED

85 CLOSED

- 37 complaints were withdrawn
- 5 complaints were settled by mediation
- 31 complaints were closed by adjudication
- 12 complaints were administratively dismissed

OPEN

61 OPEN

- 5 complaints in jurisdiction
- 46 complaints in investigation
- 10 complaints in adjudication

TIMELINES

- Average time in investigation: 131 days
- Average time in adjudication: 62 days
- Average total days open: 136 days

NOTE: not all Process 2 files included both adjudication and investigation and some were resolved by Mediation.



Complaint Outcomes



Sanctions can be imposed singularly or in combination. Meaning, a Respondent can be suspended for a period of time, required to issue a written apology and have as a condition of reinstatement the completion of specified educational requirements. Therefore, the charts below should be read as “in 30 of the 115 Process 1 adjudicated matters, a suspension was imposed as part of the sanction.”

Process 1

Substantiated: 60 (52.17%)
Unsubstantiated : 55 (47.83%)

Process 1: Sanctions (Total: 115)		
Suspension	30	26.09%
Verbal or Written Warning	26	22.60%
Education	21	18.26%
Probation	9	7.82%
Eligibility Restrictions	7	6.08%
Other Required Outcomes	6	5.21%
Formal Apology	5	4.34%
No Additional Suspension Imposed	4	3.47%
Permanent Ineligibility	2	1.73%
Violation of Provincial Member Policies / Matter Referred to Provincial Member to Sanctioning	1	0.86%

Process 2

Substantiated: 19 (61.3%)
Unsubstantiated: 12 (38.71%)

Process 2: Sanctions (Total: 31)		
Suspension	11	35.48%
Education	9	29.03%
Probation	5	16.13%
Verbal or Witten Warning	4	12.90%
No Additional Suspension Imposed	4	12.90%
Eligibility Restrictions	3	9.68%
Permanent Ineligibility	2	6.45%
Other Required Outcomes	1	3.23%
Formal Apology	1	3.23%
Violation of Provincial Member Policies / Matter Referred to Provincial Member to Sanctioning	0	0%

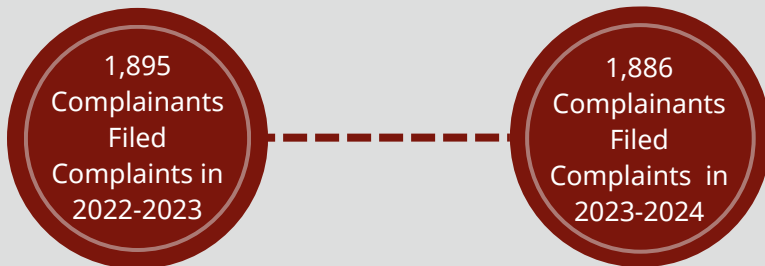
Year Over Year

During the Reporting Period, the ITP received 1,886 Complaints naming 2,073 Respondents. In 2022-2023, the ITP did not separately track the number of Respondents. Therefore, the year over year analysis of acceptance rates can only take into consideration the number of complaints filed in 2023-2024, being 1,886.

→ Accept

During the Reporting Period, the ITP accepted 238 Complaints naming 402 Respondents. In 2022-2023, the ITP accepted 246 Complaints; the ITP did not track the number of separate Respondents.

There was an increase in Complaints processed under Process 1 versus Process 2 due to Policy changes which afforded the ITP greater flexibility.

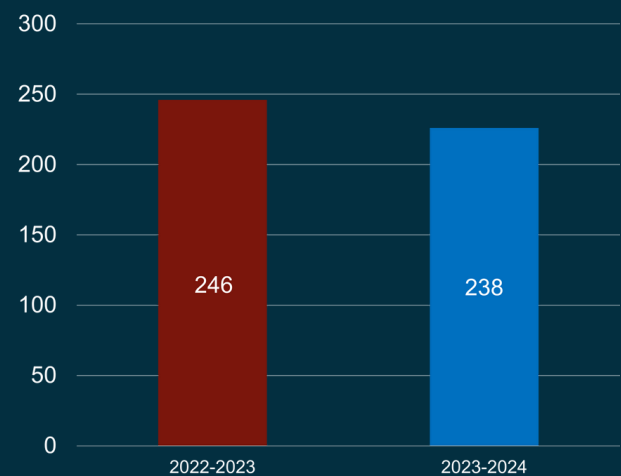


→ Redirect

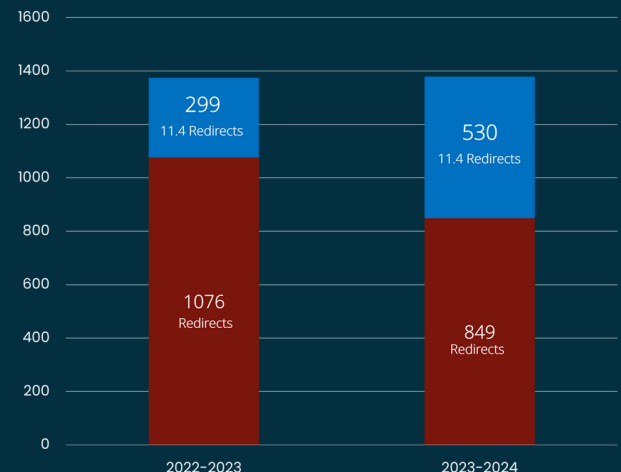
Redirected files decreased from 1076 to 849 in this Reporting Period compared to the one prior.

Timelines have decreased significantly for file closure from 15 days in the previous reporting period to 5 days in this Reporting Period, representing a 61% decrease in file time open.

Total Accepted Files



Total Redirected Complaints



2022-2023 Data

ITP DATA 2022-2023

1895 FILES

- Accepted: 246 (12.98%)
 - Accept Process 1: 95 (5.01%)
 - Accept Process 2: 151 (7.97%)
- Redirected: 1412 (74.51%)
 - Redirect 1076 (56.78%)
 - 11.4 Redirects: 299 (15.78%)
 - Summary Dismiss: 37 (1.95%)
- Other: 237 (12.50%)
 - 11.4 Administer: 6 (0.32%)
 - Administrative Dismissal: 231 (12.19%)

HOCKEY CANADA REPORTED DATA 2022-2023

1872 FILES

- Accepted: 187 (9.99%)
- Redirected: 1,410 (75.32%)
- Other: 275 (14.69%)

DISCREPANCIES IN DATA

- **Volume:** The date the data was pulled by Hockey Canada differed from the ITP.
- **Accepted:** Hockey Canada did not include all files accepted but later withdrawn or administratively dismissed.
- **Redirected:** Hockey Canada combined redirected and summarily dismissed into one.



Year Over Year Analysis

Starting this Reporting Period, Complaint submissions containing allegations against multiple Respondents were separated into alpha subparts (i.e. 24-1234A, 24-1234B) such that a single subpart contained the allegations against only a single Respondent ("Respondent Subpart"). This protects confidentiality and allows for different pathways for each Respondent Subpart.

This change is important in the data analysis as (a) it is a deviation from 2022-2023 meaning the numbers are not direct comparators in year over year analysis; and (b) a jurisdictional evaluation is done per Respondent Subpart and therefore one Complaint may have different jurisdictional evaluations (and therefore process pathways) depending on the specific allegations against the various Respondents. For example, if Complaint HC24-0001 named three Respondents, there would be files HC24-0001A, HC24-0001B and HC24-0001C. If the allegations against Respondent A were regarding fees, file HC24-0001A would be summarily dismissed - not maltreatment. If Respondent B was the association, file HC24-0001B would be summarily dismissed - not a proper Respondent. If the allegations against Respondent C were for physical abuse of a minor by a coach, file HC24-0001C would be accepted by the ITP. Therefore, this one Complaint would account for three separate jurisdictional evaluations and processes.

The ITP data indicates that the ITP received 178 (+9.39%) more Complaints during the 2023-2024 season than during the previous season. However, 187 of the new files received by the ITP this year were Respondent Subparts (meaning they represent the fact that a complainant advanced allegations against multiple individuals in one Complaint). Therefore, if we were to accurately compare data to the previous season, Complainants advanced 1,886 Complaints during the Reporting Period in comparison to last season's 1895 (9 less files).

9 fewer
Complaints
in 2023-
2024

Decrease in
Acceptance

Decrease in
Redirects

Decrease in
processing
time



Moving Forward

The ITP conducts continuous internal reviews to improve the process, enhance participant experience and incorporate efficiencies to provide for more streamlined Complaint management. The ITP takes all feedback received from Parties seriously and seeks to operationalize changes that improve the administration of Complaints within the scope of the Policy.

In addition to this constant review, the ITP holds a seasonal retrospective collecting feedback from Hockey Canada, case managers, adjudicators, mediators and investigators.

As a result of the information and feedback gathered by the ITP, the following significant adjustments have been implemented for the 2024-2025 period:

- Continuing professional development for the ITP case managers, adjudicators, mediators and investigators, including ongoing trauma informed training;
- Anonymized portal available to Hockey Canada and Members to permit ongoing monitoring of Complaint status;
- Further enhanced security features to the highest level of data protection (compliant with regulations applicable to custodians of personal health information);
- Policies for document sharing which permit distribution only via secure portals, without the ability to download or print in order to protect Parties' confidentiality;
- Development of a precedent database accessible to all adjudicators to ensure consistency of sanctioning across the Country from all independent adjudicators.
- Publication of Annual and Quarterly reports.



APPENDIX A

Plaintes Sport Complaints

Plaintes Sport Complaints is a division of Sport Dispute Management Inc., a company focused on the administration of safe sport complaints.

The ITP case managers include lawyers, paralegals and others with experience in Safe Sport. The team is composed of individuals of different ages, ethnicities, languages and genders. The educational backgrounds of the team includes law, criminology, psychology, risk management, project management and program development. Every Complaint is assigned to a case manager based on the case manager's experience, training, area(s) of expertise and capacity. The case managers are located in various provinces across Canada and can address complaints in either French or English.

The ITP case managers retain external mediators, investigators and adjudicators skilled, trained and experienced in their field and appoint these individuals to files based on the requirements of the file and the expertise of the external experts. The mediators, investigators and adjudicators are also in various provinces across Canada and can address complaints in either French or English.

Given the vulnerable populations that the ITP work services, the ITP ensures that all team members have experience and training in conducting trauma informed processes. To support their ongoing education, Plaintes Sport Complaints engaged Bellehumeur Law to provide Trauma Informed Training to all case managers, investigators, adjudicators and mediators working on Hockey Canada maltreatment Complaints. The program leader, Karen Bellehumeur, is a former criminal prosecutor who represents survivors of abuse in criminal cases, human rights complaints and in sport disciplinary proceedings. She holds a PhD focusing on the treatment of survivors of sexual violence in the criminal justice system. She has provided training regarding trauma informed practices to various groups of investigators and sport organizations including at the Sport Dispute Resolution Centre of Canada (SDRCC) Coaching Association of Canada (CAC) conference. This training focused on:

- Understanding how the impacts of trauma can influence the interviewer and interviewee;
- Recognizing how the misunderstandings of the impacts of trauma can be compounded by factors such as the application of myths, stereotypes and unconscious bias, inherent power imbalance and sport cultures that normalize maltreatment;
- Identifying trauma informed interviewing and assessment of evidence;
- Recognizing factors that contribute to traumatization.

Plaintes Sport Complaints considers it important to provide ongoing targeted educational opportunities to all team members and is currently planning the training for the 2024-2025 season.

With respect to the Complaints administered on behalf of Hockey Canada, Plaintes Sport Complaints provides Hockey Canada and its Members with live anonymized data regarding all Complaints received by the ITP. This data demonstrates the volume of Complaints, the nature of Complaints as well as the ongoing status of all Complaints. In addition to the live data, Plaintes Sport Complaints has committed to providing annual reports documenting important statistics and adjustments to the program. This is the first annual report.

Complaint Processes

→ Intake

The ITP has been tasked with serving as Hockey Canada's independent mechanism. In that capacity, the ITP receives all Maltreatment Complaints regarding Hockey Canada participants. It has been authorized by Hockey Canada to assume jurisdiction over certain Complaints which would otherwise fall under the jurisdiction of a Member.

The ITP has sole discretion to determine which Complaints that would ordinarily fall within the jurisdiction of the Members ("Member Complaint") it will assume jurisdiction over. The following are examples of situations where the ITP may assume jurisdiction over a Member Complaint:

- Where the ITP determines that a Complaint features allegations of Serious Misconduct against a Hockey Canada participant over which it has jurisdiction;
- 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
- 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.

The ITP is required to administer all Complaints which primarily advance allegations of sexual maltreatment, grooming or any conduct which constitutes child abuse under relevant child protection legislation.

All Complaint submissions are received by the ITP in writing, either through an online form or via email. In accordance with the Policy, the ITP undertakes a jurisdictional evaluation of every Complaint submission received to assess whether the complaint fits within the ITP's mandate as prescribed by the Policy.

The ITP contacts the Complainant within an average of 12 hours of receiving the Complaint to confirm receipt, identify the ITP case manager responsible for the Complaint, provide the Complainant with a unique file number associated with their Complaint and request any information that may be missing to make the jurisdictional determination.

Complaint Processes

→ Accept

Once the ITP determines the Complaint fits within its jurisdiction, the ITP prepares a jurisdiction order and shares a draft version of the jurisdiction order with the Complainant for their review and approval. Only after the Complainant approves the jurisdiction order, will the ITP share the jurisdiction order with the Respondent. This jurisdiction order is the first notice the Respondent receives of the Complaint against them. It sets out who the ITP is, what the allegations are against the Respondent, what the process is, and what the next steps and potential outcomes of the process are. The jurisdiction order will also set out the particulars of interim sanctions (suspensions pending adjudication) and will invite the Respondent to provide their written response to the allegations and position on interim sanctions.

Depending on the nature of the allegations, the age and vulnerability of the parties and the nuances of the complaint, the ITP will determine whether to appoint an investigator, adjudicator and/or a mediator (i.e. whether to proceed via Process 1 or Process 2). Process 1 is the more streamlined approach which permits Complaints to proceed directly to an adjudicator, who has the power to propose mediation, obtain written or oral submissions from the parties, conduct interviews or convene a meeting. Process 2 is a more involved process which starts with an investigation conducted by a third-party investigation firm. If mediation is not an option or does not result in resolution, the ITP then appoints an adjudicator who holds a written or oral hearing with the presumption being that the facts as set out in the investigation report are to be accepted.

The ITP will also determine whether interim sanctions should be imposed or whether there is a duty to report the allegations to the authorities, including the appropriate police force.

Once an adjudicator is appointed, the adjudicator will direct the process. The adjudicator will issue procedural orders setting out steps forward in a transparent manner for all parties involved. The process concludes either through negotiated resolution or a decision issued by the adjudicator.

A Complainant may choose to withdraw their Complaint at any time for any reason. In some instances, a Complainant will do so immediately after submitting their Complaint – having taken a moment to review the ITP website, which describes the ITP mandate and process in full. In other cases, Complainants withdraw once the process has begun but prior to the adjudicator issuing a decision. Where a Complaint is withdrawn after a Respondent has been notified of the Complaint, the allegations that the Complainant put forward cannot be revisited and the file is deemed complete. If the Complaint is withdrawn prior to the Respondent being notified of the Complaint, then the Complainant can pursue the Complaint once they are ready.

Complaint Processes

→ Redirect

Once the ITP receives all information necessary to determine jurisdiction from the Complainant, and finds that although the allegations may constitute Maltreatment, it does not have jurisdiction to administer the Complaint under the Policy, the ITP informs the Complainant and the Member in writing with reasons. If the Complainant has advised the ITP that they do not want their Complaint shared with the Member, the ITP returns the Complaint to the Complainant with contact information for the Member should the Complainant choose to proceed.

After the jurisdiction order is provided to the Complainant, the ITP deems the redirected matter closed.

REDIRECT

849 Complaints were received and redirected (closed):

- 691 Redirected to Member
- 73 Returned to the Complainant as they did not wish to provide their Complaint to the Member
- 85 Withdrawn by the Complainant before they could be redirected to the Member

TIMELINE

Average Days Open: 5

Complaint Processes

→ Summarily Dismiss

The Maltreatment Complaint Management Policy only applies where a Complainant has raised an allegation of Maltreatment.

Complaints not alleging Maltreatment or which are filed against Respondents who do not fall under the Policy must be dismissed per the provisions of the Policy.

Previously adjudicated Complaints (e.g. by the Member) are also summarily dismissed if there are no *new* allegations of Maltreatment.

Where the ITP finds the Complaint to be outside its jurisdiction, a jurisdiction order summarily dismissing the Complaint is prepared and the Complainant is notified.

There was a substantial increase in summarily dismissed Complaints this year in comparison to last (increase of 254 files). There are a few reasons for this increase including updated Policy wording regarding summary dismissals.

Once a file is summarily dismissed, the ITP closes its file and takes no further action.

SUMMARILY DISMISS

291 Complaints were received and summarily dismissed (closed):

- 242 Did not contain allegations of Maltreatment
- 32 Did not identify a proper Respondent
- 17 Previously handled by Member or association

TIMELINE

Average Days Open: 8

Complaint Processes

→ Administratively Dismiss

At any time throughout the life of a Complaint process, there are circumstances that may arise that would require the ITP to administratively dismiss a Complaint.

These circumstances include:

- Where an 11.4 Redirect Complaint is not within the ITP's jurisdiction;
- Where the same Complaint was reported to the ITP from multiple sources (i.e. duplicate);
- Where a Complainant has failed to provide sufficient information for the jurisdictional evaluation to be completed, including their name and contact information;
- Where a Complainant has failed to communicate with the ITP;
- Where a Complainant has withdrawn their Complaint;

Once a file is administratively dismissed, the ITP closes its file and takes no further action.

**ADMINISTRATIVELY
DISMISS**

716 Complaints were received and administratively dismissed (closed):

- 530 11.4 Redirect
- 11 Duplicate Complaints
- 8 Insufficient Information
- 137 Failure to Communicate
- 16 Withdrawn
- 14 Other

TIMELINE

Average Days Open: 6