

Review of Safe Sport and HR Practices

(Findings and Recommendations Report)

Submitted to the Vancouver Whitecaps

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Sport Law & Strategy Group Inc.

Sport Law & Strategy Group

<http://www.sportlaw.ca>

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PART I – OVERVIEW

In April 2019, the Vancouver Whitecaps FC (“Whitecaps”) announced¹ plans to “*initiate an independent third-party review and assessment of our respectful workplace policies and procedures to ensure they are timely and up to date and are achieving the highest level of leadership and performance in this area.*” The Whitecaps indicated that this Review would also look at the actions they took in 2008 in response to becoming aware of concerns regarding a coach sending inappropriate text messages to a player. The Whitecaps committed to publicly releasing the findings and recommendations of the independent third-party review.

In May 2019, Whitecaps’ Ownership initiated a private meeting, and engaged in significant follow-up consultation and discussions, with four (4) former players from the Whitecaps Women’s team who were invited to participate in the selection of a qualified Reviewer. Three (3) of the four (4) former players consulted with the Sport Law & Strategy Group (“SLSG”), a recognized leader in the area of safe sport. Following the consultation process, all four (4) former players indicated that they approved of the SLSG carrying out the Review. The SLSG was subsequently retained by the Whitecaps.

The primary goals of the Review were to examine the Whitecaps’ past and current procedures, primarily in safe sport and human resources, and understand the actions that were taken by the Whitecaps in response to incidents that occurred in 2008.

The SLSG subsequently asked to expand the scope of the Review and look at two other significant issues that occurred in the past – a 2013 hiring of a coach and a 2017 incident of assault² between players in the Whitecaps U15 Boys Program. The Whitecaps granted the SLSG the discretion to consider any incidents that may be relevant to the Review.

The Review consisted of three parts:

1. To understand the steps the Whitecaps took to address the past incidents, the SLSG interviewed 33 different people (including staff and former players) and reviewed related emails and notes
2. To understand current stakeholder experiences, the SLSG developed and distributed three separate surveys to stakeholder groups that included Whitecaps coaches and staff, parents/guardians, and participants
3. The SLSG compared the Whitecaps’ current documents and processes to leading practices in both safe sport and human resources.

2008 Incidents

In 2008, the Whitecaps were a much smaller and less sophisticated organization than they are today. The Women’s Team season was only four months long and the team’s Head Coach also worked as the Coach of the U20 Canadian Women’s National team. Several players played for both teams. In May 2008, the Whitecaps were alerted that a player had received inappropriate text messages from her coach. The matter was investigated and corrective actions were taken. In September 2008, while the same coach was working with the U20 National Team, the Canadian Soccer Association (“CSA”) received a similar complaint regarding the coach’s behaviour in that program. Another investigation was conducted which resulted in the termination of the coach from both programs.

¹ Retrieved August 4, 2019 from: https://vancouver-mp7static.mlsdigital.net/elfinderimages/2019/club-letter/WhitecapsFC_letter.pdf

² These players were minors at the time of the incident, so the specific details of the assault are not included in this report.

The SLSG's Review found that since 2008, the Whitecaps have continually improved their policies. Many recommendations as to what the Whitecaps could or should have done differently in 2008 have already been addressed and are reflected in current policies and practices.

Other findings by the SLSG regarding the 2008 incident included:

- The Whitecaps were not attempting to “cover up” the incidents or “sweep them under the rug”. The leadership team seemed to genuinely believe they were receiving proper legal and administrative advice - which they followed.
- After the Whitecaps became aware of the inappropriate text messages in 2008, they managed the issue prudently and reasonably by immediately seeking the opinion of a respected lawyer with expertise in workplace issues. They subsequently retained this lawyer to conduct an investigation, relied on the Investigator's advice to guide their actions, and then implemented the Investigator's recommendations. These recommendations included requiring the coach to take corrective measures to address his behaviour. The Whitecaps shared their findings and the actions that were taken with the CSA, however it does not appear that any monitoring was put into place to ensure the corrective measures were being adhered to.
- After a second, similar complaint about the same coach was raised with the CSA in September 2008, the Whitecaps worked in collaboration with the CSA to determine next steps. Both organizations followed the direction and guidance of the same Investigator which resulted in the organizations terminating the coach from both programs.
- Throughout both investigations, and even after the termination of the coach, there was a lack of effective communication with the players. The leadership team, guided by the Investigator, believed that due to the nature of the investigations it was important to maintain confidentiality. However, it is clear from the information provided by the players that it was this lack of communication that resulted in frustration, mistrust and speculation which has contributed to the lingering animosity still held by some former players today.
- The Whitecaps were criticized by some players for not taking steps to ensure that the coach was prohibited from coaching in the future. It was determined that the Whitecaps did not have the authority and jurisdiction to prohibit anyone from coaching in other soccer programs.

Other background information and findings related to the 2008 Incident are described in [PART IV – 2008 INCIDENT REVIEW](#). Additional recommendations related to complaint management are described in [PART VIII – SUMMARY OF RECOMMENDATIONS](#).

Additional Review: 2013 Hiring of a Coach

As part of the expanded scope of the Review, the SLSG examined the process the Whitecaps used to hire a coach in September 2013 who had had allegations of racism levelled against him in April of that same year.

The Whitecaps acknowledged that they made an error in their hiring process. In January 2013, the Whitecaps interviewed this individual, verified references, and completed a background check. However, the coach was not hired at this time. When a position became available in September 2013, the Whitecaps hired the coach without conducting a new screening process.

Since September 2013 there have not been any similar situations where there has been a delay between the date of screening an individual and the date of the individual's hiring. The Whitecaps have also taken steps to ensure that should such a situation occur again, where background screening is potentially not current, there will be a further interview and new screening process before hiring.

Additional Review: June 2017 incident between youth players

As part of the expanded scope of the review, the SLSG examined the process that Whitecaps used to address a serious allegation of bullying that led to an assault in June 2017 between players in a youth residency program. The details of the assault are not shared in this report as the players were minors at the time.

The SLSG found that the Whitecaps handled this incident reasonably and in accordance with expected practices. The parents of the players were immediately notified, the accused players were suspended, and the issue was quickly passed on to senior management and human resources. During initial meetings with the parents about the incident, before the full extent of the incident became known, Whitecaps staff discussed with the parents their options for potential next steps. This discussion was not meant to dissuade the parents from calling the police and, once the full extent of the incident became known, senior management advised the parents to call police. The Whitecaps also contacted the RCMP – who were made aware of the incident within 48 hours of it having occurred. Residency staff cooperated with the police investigation, offers of counselling were made to the victim as well as to other players, and all residency families were apprised of the situation and regularly updated on the progress of the police investigation and subsequent internal disciplinary action. Residency program procedures were internally reviewed and strengthened to avoid future incidents of unsupervised behaviour.

Stakeholders Engagement

In order to engage the community, the SLSG distributed two surveys that focused on the community's experience – one survey was distributed to parents/guardians and participants in the Whitecaps' Camps programs and one survey was sent to parents/guardians and participants in the Whitecaps' Academy Centres and High Performance programs.

The intention was to gather feedback from program participants and parents/guardians to provide additional information that would be used and considered in determining appropriate recommendations.

Constructive feedback and recommendations for improvement were received and considered and were incorporated in the recommendations for specific improvements outlined in [PART VIII – SUMMARY OF RECOMMENDATIONS](#).

Review of Whitecaps Safe Sport Policies and Practices

The SLSG found that, since 2008, the Whitecaps have continued to improve their policies and practices particularly as they relate to safe sport. Many of the Whitecaps current policies and procedures for safe sport meet the leading practices in the sector. [PART VI – SAFE SPORT REVIEW](#) contains a further description of the review in this area and recommendations for more improvement are described in [PART VIII – SUMMARY OF RECOMMENDATIONS](#).

Review of Whitecaps Human Resources Policies and Practices

The SLSG found that the Whitecaps' human resources procedures meet the expected standards. The SLSG noted that the Whitecaps employ a large number of staff members across multiple provincial jurisdictions; which means

that the Whitecaps must continue to adhere to the applicable employment legislation in each province. Additional recommendations are provided in [PART VIII – SUMMARY OF RECOMMENDATIONS](#).

PART II – PURPOSE AND INTENT OF REVIEW

Introduction and Retention of Sport Law and Strategy Group

In April 2019, the Vancouver Whitecaps FC (“Whitecaps”) announced³ plans to “*initiate an independent third-party review and assessment of our respectful workplace policies and procedures to ensure they are timely and up to date and are achieving the highest level of leadership and performance in this area.*” The Whitecaps also described plans to “*conduct a thorough and independent review of our operations to ensure that we foster and enforce a culture of zero tolerance for any form of harassment or bullying*”. This announcement made it clear that in addition to reviewing current respectful workplace policies and procedures, the Whitecaps would “*also be reviewing the actions we took 11 years ago to determine what we can learn from them going forward.*”

On May 27, 2019, after significant consultation and agreement with four (4) former Whitecaps Women’s players, the Whitecaps announced⁴ that the Sport Law and Strategy Group (“SLSG”) had been retained to act as an independent third-party and conduct a thorough review of the Whitecaps’ past and current safe sport policies and procedures as well as review the actions taken by the Whitecaps to address the 2008 incident. Prior to being retained to conduct the independent review, the SLSG welcomed the opportunity to engage former Whitecaps players, hear their independent perspectives, explain the scope of work that would be involved in the Review, and address any questions or concerns.

About the Sport Law and Strategy Group

Founded in 1992, the SLSG is a team of professionals that provides exceptional business service to sport and recreation organizations across Canada. The SLSG provides consulting services and educational programs relating to organizational governance, strategic and business planning and evaluation, values-based management, risk assessment, dispute resolution, policy development, legal issues, leadership coaching, player engagement, marketing and communications, human resource management and operational design. For more than 25 years, the SLSG has served hundreds of sport organizations all over the country.

Scope of Review

The goal of this Review was to examine the Whitecaps’ past and current procedures (primarily in safe sport and human resources), review the actions taken by the Whitecaps while addressing the 2008 incident, identify gaps and problematic areas, and recommend improvements.

As announced⁵ by the Whitecaps in the May 27, 2019 Announcement, the Review focused on three main areas highlighted below:

1. REVIEW OF 2008 INCIDENT

The review of the 2008 incident assessed the practices the Whitecaps used to handle an incident that occurred in 2008. The Whitecaps wanted to learn what could be improved to ensure that the organization is able to move

³ Retrieved August 4, 2019 from: https://vancouver-mp7static.mlstatic.net/elfinderimages/2019/club-letter/WhitecapsFC_letter.pdf

⁴ Retrieved August 4, 2019 from: <https://www.whitecapsfc.com/post/2019/05/27/whitecaps-fc-retains-nationally-recognized-sport-management-group>

⁵ Retrieved August 4, 2019 from: <https://www.whitecapsfc.com/post/2019/05/27/whitecaps-fc-retains-nationally-recognized-sport-management-group>

past this historical event in a way that aligns with current legal standards, public expectations, and the Whitecaps' commitment to live its values.

This part of the Review included:

- Interviewing key staff, administrators, and players involved in the handling of the 2008 complaint
- Establishing what, if any, Whitecaps corporate policies were in place during the relevant time frame that related to conduct standards, harassment reporting and complaints procedures
- Reviewing internal correspondence related to the incidents and investigations
- Contacting and attempting to interview the individual who investigated the 2008 complaints
- Identifying gaps, what went well, and what could be improved upon

2. REVIEW OF CURRENT SAFE SPORT POLICIES AND PRACTICES

The review of current safe sport policies and practices evaluated the current safe sport policies and standards used in Whitecaps' programming. The Whitecaps' current approach was compared to leading practices across the country.

This part of the Review included:

- Reviewing the Whitecaps' safe sport documents, policies, and procedures
- Reviewing the Whitecaps' procedures and leading practices for complaint, harassment, and abuse reporting
- Reviewing leading safe sport practices in national not-for-profit organizations
- Conducting anonymous community-based surveys of participants in the Whitecaps' programs and their parents/guardians to inform the SLSG's recommendations
- Identifying gaps and inconsistencies
- Recommending improvements

3. REVIEW OF CURRENT HUMAN RESOURCE PROCEDURES

The review of current human resource procedures evaluated the current hiring and training processes in place for coaches and administrators involved with Whitecaps programming.

This part of the Review included:

- Reviewing the Whitecaps' current human resources policies and template employment agreement
- Reviewing the Whitecaps' hiring practices
- Conducting an anonymous survey of Whitecaps' coaches and administrators
- Interviewing Whitecaps administrators involved with hiring
- Interviewing Whitecaps coaches who have been hired
- Identifying gaps and inconsistencies
- Recommending improvements

The scope was later expanded to include other matters not originally anticipated, as noted below.

REVIEW OF OTHER MATTERS NOT ORIGINALLY PART OF SCOPE

In addition to the three main areas noted above, the SLSG was alerted to other historical incidents that were referenced in published player blogs and media articles and raised in interviews. These incidents included an

incident of assault⁶ between players in 2017 and the hiring of a coach in 2013 who was under investigation for racism.

The SLSG and the Whitecaps acknowledged that reviewing other historical incidents fell outside of the scope of the Review. However, the Whitecaps subsequently granted the SLSG discretion to consider any other incidents that may be relevant to the Review. The SLSG determined that, based on the references by survey respondents and interview participants, the process and approach taken by the Whitecaps administration to address those two incidents should be examined and considered (see [PART V – OTHER HISTORICAL INCIDENTS](#)).

⁶ These players were minors at the time of the incident, so the specific details of the assault are not included in this report.

PART III - METHODOLOGY

The methodology behind this Review was designed for three purposes: to increase understanding of the Whitecaps current and past safe sport policies and practices, to compare the Whitecaps' current policies and practices with sector-leading practices, and to provide an opportunity for Whitecaps stakeholders to share their perspectives and experiences. The methodology of the Review took three forms:

1. Interviews with stakeholders
2. Survey of stakeholders
3. Analysis of documents (safe sport and human resources) and a comparison with the sport sector's leading practices

Interviews

INTERVIEW PARTICIPANTS

Thirty-three (33) participants were interviewed including players, staff, and other interested parties:

- 14 players from the 2006-2008 Whitecaps Women's Team Roster
- 7 Whitecaps Administrators/Staff (former and current)
- 6 Whitecaps Coaches (former and current)
- 6 Other Interested Parties⁷

Individuals who were interviewed for PART IV of the Review included players who were on the Whitecaps Women's Team Roster between 2006 and 2008. An invitation was sent to the last known e-mail addresses of the 82 players on the Roster during that time. Although PART IV of this Report relates to incidents that involved a coach in 2008, the SLSG wanted to connect with all players who had been coached by that individual during the timeframe he was employed by the Whitecaps. Of the 82 players contacted:

- 14 players responded and were interviewed
- All 14 played for the Whitecaps at some point between 2006 and 2008
- 9 of those 14 played for the Whitecaps in 2008
- 10 of those 14 played for the CSA in 2008

Individuals that were interviewed for PART VII of the Review included Whitecaps administrative staff who are involved in the hiring process for coaches as well as some full-time coaches.

Since the beginning of the process, the SLSG intended to interview the lawyer and workplace consultant (hereinafter referred to as the "Investigator") who was retained by the Whitecaps' in 2008 to conduct investigations, provide advice and recommendations, and act as Ombudsperson for the organization. Multiple attempts were made to contact the Investigator at two (2) email addresses and a current active phone number provided by the Whitecaps and at multiple phone numbers found online. Ultimately the SLSG was unable to connect with the Investigator. The SLSG also intended to interview the player who brought forward the initial concerns to the Whitecap's Women's Team Manager in May 2008, however this player declined to participate.

Stakeholder Engagement

⁷ Interested parties included parent/guardians of participants in Whitecaps programs and current and former Whitecaps FC supporters

The SLSG developed three (3) surveys for Whitecaps stakeholders who were involved in Whitecaps camps, Academy Centres, and High Performance programs (which for the purpose of this Review included REX, Girls Elite, MLS Academy, and Development Squad). Stakeholders also included parents/guardians of participants, coaches, and Whitecaps technical and administrative staff. The survey was not distributed to the professional players on the Whitecaps FC because the professional side of the Whitecaps operations was outside the scope of this Review.

- Parent/Guardian and Participant Survey (Academy Centre and High Performance Programs)
 - Distributed to 467 contacts. There were 137 responses for a response rate of 29.3%.
- Parent/Guardian and Participant Survey (Camps)
 - Distributed to 794 contacts. There were 133 responses for a response rate of 16.8%.
- Coach and Administration Survey
 - Distributed to 143 coaches and there were 52 responses (response rate of 36.4%)
 - Distributed to 7 Whitecaps administrators and there were 4 responses (response rate of 57.1%)
 - The overall response rate was 37.3%.

The SLSG reviewed the survey findings and incorporated the feedback as part of the overall recommendations.

Document Review

The SLSG reviewed documents in two areas – safe sport and human resources. The review of safe sport documents consisted of analyzing the Whitecaps policies and procedures that were posted online and/or provided to the SLSG by the Whitecaps. The SLSG also reviewed player handbooks and documents that are provided to participants and parents/guardians prior to the participant becoming involved in Whitecaps programming. For human resources, the current Whitecaps Policies and Procedures Guidelines (February 2016) Sections 1.0 through 5.0 were reviewed. The sections in the Guidelines were compared against the BC Employment Standards Act to ensure compliance. In addition, a comparison with other not-for-profit national and provincial sport organizations' human resources policies and procedures was conducted as part of a good practice assessment. The SLSG was also provided with job descriptions, a template employment agreement used for coaches, and a redacted performance review.

Additionally, the Whitecaps provided the SLSG internal documents, notes and correspondence related to the historical incidents that was reviewed and considered.

Anonymity of Participants and Interviewees

Due to privacy protections provided by applicable privacy legislation relating to personal information, the SLSG was not provided with the contact information of Whitecaps staff, administrators, or participants or their parent/guardians to distribute the survey or to solicit interviews about the 2008 incident. Contact information was provided for staff and administrators who participated in the interviews about the Whitecap's HR practices. The SLSG asked the Whitecaps to publicly extend an open invitation for all Whitecaps players (past and present) and any other individuals who had information related to the Review, and/or who would like to be interviewed, to connect confidentially with the SLSG at safesport@sportlaw.ca. This public invitation was included in the Whitecaps Announcement dated May 27, 2019.

Separate from the interview process, surveys were created by the SLSG and distributed by the Whitecaps to all current stakeholders in Whitecaps programs (participants, parents/guardians, coaches, and administration staff). The email invitation with the survey was distributed in July 2019 and included contact information for the SLSG in case an individual had questions before completing the survey. The email invitation and the survey itself stressed that responses would be anonymous and identifying information would not be shared with the Whitecaps. In mid-

July, after learning that some respondents had questions about the independence of the survey and the interviews, the SLSG requested that the Whitecaps distribute a statement to the Whitecaps community (written by the SLSG) that highlighted the anonymity of the process and confidentiality of the results.

PART IV – 2008 INCIDENT REVIEW

Overview

The SLSG was engaged to examine the process taken by the Whitecaps after they became aware of an issue involving the coach of the 2008 Women's Team. This section of the Report is a summary of the comprehensive analysis of that process.

Relevant Background

1ST COMPLAINT: TO WHITECAPS ON MAY 23, 2008

On May 23, 2008, concerns were brought to the attention of the Whitecaps' senior club management regarding the sending of inappropriate text messages to a player by the Whitecaps Women's Team Head Coach (hereinafter referred to as 'Coach "A"'). During the same timeframe, Coach "A" was also the Canada Soccer U20 National Team Head Coach and the Women's National Team Assistant Coach. The Whitecaps immediately retained an external investigator (hereinafter referred to as "the Investigator"), who was also a lawyer with experience managing complaints, to conduct an investigation ("May 2008 Investigation"). She concluded her investigation over four (4) days and delivered her results on May 26, 2008 to the Whitecaps with advice on how to act on the findings. The Whitecaps followed her advice and reported the findings and their subsequent actions to the Canadian Soccer Association ("CSA"), now Canada Soccer.

2ND COMPLAINT: TO CANADIAN SOCCER ASSOCIATION ON SEPTEMBER 26, 2008

On September 26, 2008, concerns were brought to the attention of the CSA regarding Coach "A"'s behaviour with the U20 National Team. At that point in time, the Whitecaps Women's Team season was over and Coach "A" was only coaching with the CSA. Immediately upon becoming aware of the concerns that were being raised, the CSA notified the Whitecaps and a new joint investigation began ("September 2008 Investigation") with the same Investigator again retained. She reported back to the Whitecaps and the CSA that Coach "A" was not creating a good environment and was repeating the inappropriate behaviour.

On October 9, 2008, a joint announcement was made by the Whitecaps and the CSA, advising that Coach "A" was no longer employed by either organization and that the departure was a "mutual decision" that was "in the best interests of both parties".

INTERVIEWS

On June 19, 2019, an invitation to participate in this Review was sent by the Whitecaps to the last known e-mail addresses of the 82 players who were on the Whitecaps Women's Team between 2006 and 2008, which was the time period that Coach "A" worked for the Whitecaps. The invitation made it clear that the purpose of the Review was to "*review the Club's handling of a complaint that came forward in 2008 regarding one of our former women's program coaches*" and that the Review was being conducted by the SLSG as an independent third party. In order to ensure confidentiality, the players were instructed to reach out to the SLSG directly if they wished to contribute or participate in the Review. During the interviews, participants were encouraged to invite other people to contact the SLSG if those individuals could add relevant information.

Of the 82 players contacted, fourteen (14) players reached out to the SLSG and were interviewed. This number included the four (4) former players who were engaged in the initial consultation process.

The SLSG requested, and was able to conduct, interviews with nine (9) individuals from within the Whitecaps organization. The intent of the interviews was to examine and understand the process, and reasons for the process, that was used by the Whitecaps to address the 2008 incidents.

The SLSG interviewed the following individuals:

- Leadership Team (as held in 2008):
 - Greg Kerfoot (sole owner)
 - Bob Lenarduzzi (President)
 - Dan Lenarduzzi (Director of Soccer Development)
 - Rachel Lewis (Chief Operating Officer)
 - Greg Anderson (Director of Professional Teams)

- Staff (as held in 2008):
 - Diane Voice (Whitecaps Women's Team Manager)
 - Three (3) Whitecaps Coaches who requested anonymity

The Whitecaps also provided internal correspondence to the SLSG and additional notes that were made at the time.

The SLSG recognized that this process occurred over ten (10) years ago. Even with recent events, parties will remember the same experience differently, omit some memories, and/or add their own personal bias to the account. While conducting player and staff interviews, the SLSG understood that some details may be mixed up or different depending on the individual who was interviewed. Incongruities in the dates or with specific details, as well as conflicting reports, are difficult to reconcile. Some of the participants acknowledged that they were no longer sure if some of their recollections were based on what they actually recalled or were aware of in 2008, or if they were based on information that has since come to their attention via the media or in conversations with others.

The SLSG concluded that any discrepancies were due to the above-noted challenges and determined that those interviewed were being honest regarding their recollections.

Themes From Player Interviews

In their one-on-one interviews, the fourteen (14) former players were reminded that the Review was an examination of the process that was followed by the Whitecaps once they became aware of a complaint of inappropriate communication. The Review was not a re-investigation into the complaint itself. The players were invited to share their personal experiences and observations from the 2006-2008 timeframe. Identifying details and narratives were not shared with the Whitecaps.

The following themes emerged:

COMMUNICATION

Players felt there was a lack of communication from the Whitecaps and said they were not formally notified about the investigations or the outcomes. They also felt that the Whitecaps did not follow-up with the players to describe

how they handled the incidents or to enquire about the players' well-being.

CULTURE

Many of the players interviewed believed that the culture and environment of the Whitecaps Women's Team under Coach "A" had become "toxic" and expressed concern over the amount of power that Coach "A" had acquired with his multiple roles. Some suggested that a "fear of reprisal" that would impact playing time and/or team selection existed in 2008, whereby players were afraid to come forward with complaints, which likely prevented some players from reporting inappropriate behaviour and/or participating in the September 2008 investigation.

INVESTIGATION

Several of the players expressed concern that they thought the investigative process used in 2008 was flawed and not thorough. Some of those who had shared information with the Investigator in 2008 expressed particular confusion and disappointment over the October 9, 2008 press release regarding the "mutual decision to part ways" with Coach "A". There was a shared concern that the outcome and final recommendations did not adequately reflect the information that was communicated between the Investigator and the players who had been interviewed. The players wondered why the coach continued to have access to the apartment complex where some players lived, following the first complaint of "inappropriate text messaging" and why he was able to keep coaching after his departure from the Whitecaps and the CSA.

The SLSG was appreciative of the participation of, and assistance from, former players during the Review and noted their interest in the future of women's sport in Canada. Despite the obvious pain and disappointment expressed by some of the players many of them indicated they were pleased to have the opportunity to speak and be heard. Most indicated that they considered the Review to be a positive step. Many expressed the hope that the process would not only benefit future players going forward but also provide the Whitecaps organization with the tools to become recognized leaders in the area of safe sport. Some were more doubtful and suggested more needs to be done within the culture of organized sport in today's society.

All of the players interviewed were asked to provide their own recommendations for what improvements, solutions, or changes they would like to see the Whitecaps adopt going forward. Their suggestions were incorporated into this Report's recommendations.

Themes From Leadership Team and Staff Interviews

Each member of the leadership team expressed that they wanted to understand if they should have done something more back in 2008. In addition, they wanted to be sure that the Whitecaps currently have the necessary policies and best practice procedures to effectively manage complaints.

1ST INCIDENT: COMPLAINT REGARDING INAPPROPRIATE TEXT MESSAGING

The Whitecaps organization in 2008 was much smaller and less sophisticated than it is now and it did not have any formal complaint policies or procedures in place. Therefore, once a concern about the sending of inappropriate texts by Coach "A" was raised by the Women's Team Manager in May 2008, the Whitecaps were left to figure out what should be the most reasonable process. The leadership team immediately retained an external independent Investigator and relied upon and followed her advice and recommendations. The leadership team truly believed the matter had been dealt with appropriately and fairly.

Following the May 2008 Investigation, the Investigator provided emails and guidance to the Whitecaps outlining her recommendations. The Investigator made the following main recommendations:

- that the coach take sensitivity training
- that the coach agree to and sign a code of conduct⁸
- that the Whitecaps create and adopt policies and practices⁹

The Whitecaps accepted all the Investigator's recommendations and took steps to implement them. These steps included asking and retaining the Investigator to assist in developing the required policies and continue working with the organization in the role of Ombudsperson. After consultation with the Investigator, the Whitecaps also advised the CSA Women's National Team about the incident and the steps the Whitecaps had taken. The Whitecaps advised the Investigator that she could speak freely with the CSA's General Secretary.

The leadership team confirmed that, after the May 2008 Investigation, Coach "A" continued to coach the players and had access to the apartment complex where some of them resided. The leadership team explained that this was based on assurances by the Investigator that Coach "A" understood his boundaries and agreed to abide by conditions that had been imposed upon him. At no time did the Investigator recommend a different arrangement. The Whitecaps were not aware of further indications of problems during the rest of the 2008 season, which ended on July 26, 2008.

The players were under the impression that Coach "A" was residing in the apartment complex where some players lived during the 2008 season. The leadership team clarified that living accommodations at a large multi-unit apartment complex were provided by the Whitecaps to some out-of-town players, and coaching staff were given access to a suite at that apartment complex for the purposes of facilitating meetings and team preparation since the team did not have a permanent training facility with office space. The suite was not provided to the coaching staff as a residence. If Coach "A" was living in that suite, he was doing so without the consent of the leadership team.

CREATION OF NEW POLICIES

The leadership team described a significant amount of work that was done after the May 2008 Investigation. Numerous internal meetings were held as the team realized they needed new workplace policies. They were assisted by the Investigator who also assumed a new role as Ombudsperson. The new policies were presented to the staff during the off-season and by November 11, 2008, the new policies were posted on the Whitecaps website and on the internal web system and were circulated to all Whitecaps players via email.¹⁰

WHITECAPS RESPONSE TO SEPTEMBER 2008 INCIDENT

The leadership team clarified that the CSA – not the Whitecaps – received a concern on September 26, 2008 regarding inappropriate behaviour by Coach "A" related to his time with the U20 National team. As Coach "A" also worked for the Whitecaps, the CSA notified the Whitecaps of the concern. The information received by the Whitecaps was that Coach "A" was now sending inappropriate text messages to a CSA player. The Whitecaps and the CSA agreed to conduct a joint investigation with the same Investigator ("September 2008 Investigation"). A respected alumnus was approached to help facilitate introductions between the Investigator and the players to

⁸ In the form of a Commitment Letter

⁹ The investigator did not specify which policies and procedures should be adopted. The Whitecaps retained the Investigator to assist with building the policies, per her recommendations. The result was a Respectful Workplace Policy.

¹⁰ The SLSG was provided with an email sent by a former Whitecaps player, dated November 17, 2008, which acknowledged receipt of the November 11th email, expressed thanks for providing the link to the new policy, and indicated that it appeared to be quite thorough.

ensure players were actively involved¹¹.

On September 29, 2008, the Investigator advised the Whitecaps that she had spoken to the unidentified source of the new complaint and had received reports of “more innuendo conversation” and “some details about the apartment”. The CSA and the Whitecaps agreed that Coach “A” needed to be removed from the environment while the investigation was conducted. The Whitecaps suspended Coach “A” and removed his access to the apartment suite. Ultimately the Investigator advised the Whitecaps that it was her recommendation to part ways with Coach “A”. No formal report was provided but the Investigator advised the Whitecaps that Coach “A” was not creating a good environment and was repeating some inappropriate behaviour, and that it would probably be best for him to move on. The leadership team held a meeting and made the decision to remove Coach “A” from his position with the Whitecaps. The Investigator assisted them with the termination process.

With respect to ensuring that Coach “A” never coach again, the leadership team indicated that it was never recommended by the Investigator to pursue this outcome, and they had neither the authority nor jurisdiction to enforce such a sanction.

ADVISING PLAYERS

When the October 9, 2008, announcement was made that Coach “A” was leaving, most of the Whitecaps Women’s Team players were no longer present in Vancouver as their playing season had ended. No Whitecaps player remained under a formal contract and many had returned home or to school. However, the leadership team recalled that a briefing was conducted with the players who remained in Vancouver and/or who were on the CSA’s Women’s World Cup roster. At the meeting, the CSA Vice-Chair and the Whitecaps President met with the players and notified them that Coach “A” had been relieved of his duties and that another coach was taking over the team for the preparation for the World Cup.¹²

Summary of Findings

This summary highlights the main findings associated with the 2008 Incident Review.

1. The SLSG did not find that the Whitecaps were attempting to “cover up” the 2008 incidents or “sweep the incidents under the rug”. The SLSG found that the Whitecaps genuinely believed they were following best practices and receiving proper legal and administrative advice. They complied with everything that was

¹¹ The SLSG spoke to the respected alumnus who confirmed that she was asked if she could reach out to a few players to see if anyone would be willing to talk to the Investigator about their experiences. She agreed and subsequently reached out to a few senior players of the National Team and Whitecaps Women’s Team, to get a sense of what they knew and to introduce the concept of speaking to an investigator. She shared the information she received from those players, on an anonymous basis, with the Investigator, but was unaware of who spoke directly to the Investigator.

¹² The SLSG was provided with the briefing notes for this meeting which said that the club representative was to notify the players that the Whitecaps had been made aware of a number of concerns and complaints, and indicate that Whitecaps took those concerns very seriously because one of their primary objectives is to ensure that there is a safe and positive environment for the development and progress of all the players. The notes further said that the players were to be notified that the Investigator was available (in her Ombudsperson role) if they would like to speak with someone, other than Whitecaps staff or CSA staff, about anything confidential or if they would like to share recommendations. Two of the players interviewed as part of this review recalled being present at the meeting and indicated that to the best of their recollection, no explanation was provided for the termination and no mention was made of an ombudsperson being available. The Whitecaps President at the time recalled speaking at the meeting but could not recall exactly what he said.

asked of them and relied completely on the Investigator's instructions, recommendations and expertise to guide their decisions and actions.

2. The Whitecaps managed the first concern, the inappropriate text communication, that was brought to their attention in May 2008 prudently and reasonably by immediately seeking the opinion of an external Investigator, who was a practicing lawyer trained in investigations. As they had no complaint management policy in place at the time, the Whitecaps relied on the external Investigator to guide their actions. They followed the advice of the external Investigator and put in place the recommended steps and practices. However, the Whitecaps did not monitor the behaviour of Coach "A" to ensure that any agreed upon conditions were adhered to, which would have been a reasonable course of action to ensure the commitments were being followed.
3. When the second concern was received by the CSA, the Whitecaps leadership team worked in collaboration with the CSA and followed the direction and guidance of the same Investigator, which resulted in the termination of Coach "A". According to the leadership team, the September 2008 Investigation did not result in a recommendation that law enforcement be notified, or that Coach "A" be banned permanently from coaching. This led the Whitecaps to accept the Investigator's initial assessment that it was more of the same "inuendo and inappropriate communications".
4. Though comments were made that the investigations conducted in 2008 were flawed or not thorough, the concerns raised by the players could not be corroborated or denied without the benefit of a formal report from the Investigator (which does not exist), or the ability to interview the Investigator to hear her recollections (which the SLSG attempted to do on several occasions). While some of the 14 players interviewed by the SLSG indicated that they were never made aware of the 2008 investigation, others were made aware (informally) and in fact did participate. Without a formal report, it is unclear as to what attempts were made by the Investigator to reach out to relevant players and/or conduct a fulsome investigation.
5. Throughout both investigations, and even after the termination of Coach "A", there was a lack of communication with the players. The leadership team, guided by the Investigator, believed that due to the nature of the investigations it was important to maintain confidentiality. However, it is clear from the information provided by the players that it was this lack of communication that resulted in the frustration, mistrust and speculation which has contributed to the lingering animosity still held by some former players today. Despite the need for confidentiality in such circumstances, the SLSG finds that the situation would have benefitted from proactive communications and by providing players with an opportunity to express their concerns. No follow-up discussions with the players were conducted to ensure their well-being after Coach "A" was dismissed.
6. The Whitecaps acknowledged that between 2006 and 2008 they had no formal policies in place to guide them through managing a complaint process. However, most sport organizations across the country were operating with codes of conduct and discipline and complaint policies at that time. Although acting in compliance with the recommendations of the Investigator, simply emailing and posting a copy of the new policy after the 2008 investigation was insufficient to ensure that all stakeholders were fully informed about and/or understood the new procedures that had been put into place.
7. The Whitecaps, in 2008, were considered by many players to be the leading pathway to the National Team because of their support of, and close association with, the National Women's Program. By 2008, the players indicated that a "fear of reprisal" had developed under Coach "A", who coached both the Whitecaps and the U20 National Team. Players feared that playing time may be affected, and/or opportunities reduced, if they spoke out against Coach "A". This fear may have also prevented players

from coming forward or sharing information. At the time, proper oversight was not in place to ensure that the coaching staff were creating a safe and optimal training environment.

8. The Whitecaps had neither the jurisdiction nor the authority to ban Coach “A” from coaching with other clubs or within the amateur sport system. Lifetime bans can only be issued by a governing organization in a province or territory, or by the National organization. As a private entity, the Whitecaps only had the authority to prevent Coach “A” from coaching with the Whitecaps organization, which they did. The Whitecaps were of the opinion at the time that insufficient information had been shared by the Investigator to justify further sanction of Coach “A” (in addition to termination of employment) and believed that any decision to do so was up to the CSA, who were equally aware of the September 2008 Investigation and its outcome.

Since 2008, the Whitecaps have continued to make significant improvements to their policies and their complaint management procedures (see [PART VI – SAFE SPORT REVIEW](#)). Many recommendations for what the Whitecaps could or should have done differently in 2008 have already been addressed and are reflected in current policies and practices. Any additional recommendations with respect to complaint management and ensuring a safe environment are provided in [PART VIII – SUMMARY OF RECOMMENDATIONS](#).

PART V – OTHER HISTORICAL INCIDENTS

In addition to the 2008 incident, the SLSG was alerted to other historical incidents that were referenced in published player blogs and media articles and raised in interviews. These incidents included an incident of assault between players in 2017 and the hiring of a coach in 2013 who was under investigation for racism.

The SLSG and the Whitecaps acknowledged that reviewing other historical incidents fell outside of the scope of the Review. However, the Whitecaps subsequently granted the SLSG discretion to consider any other incidents that may be relevant to the Review. The SLSG determined that, based on the references by survey respondents and interview participants, the process and approach taken by the Whitecaps administration to address those two incidents should be examined and considered.

2017 Incident

As this matter is outside of the initial scope of the Review, the SLSG only considered the incident from an administrative perspective. Interviews were limited to the Whitecaps staff who were directly involved.

DESCRIPTION OF INCIDENT

In June 2017, the Whitecaps became aware of incidents of bullying that occurred between members of the U15 Boys Residency Program. The bullying occurred at the secondary school the boys attended and continued at the Whitecaps Residency training facility and in the U15 Boys' locker room. While in the locker room, it was alleged that the bullying escalated into a physical altercation and assault. As the players involved were minors at the time, the details of the assault will not be shared in this report. None of the incidents were witnessed by Whitecaps staff.

Later that month, the mother of the victim conducted a televised interview with Global TV, with her face and voice disguised to hide her identity. In the interview, she claimed that the Whitecaps tried to downplay the situation and convince the family not to go to the police. She claimed that they did not take the matter seriously and tried to convince the family to deal with the matter internally. At the time, the Whitecaps did not respond to any media requests for comment because the matter was under police investigation.

The Whitecaps believed that they handled the incident appropriately and expeditiously and that they took the matter seriously, as evidenced by the immediate suspension of the accused players to ensure a safe environment for the victim. They acknowledged there were a few procedural matters that could have happened differently, such as better documentation of the events and segregation of the parties upon learning of the incident, but overall the incident was addressed, police were contacted as soon as the Whitecaps became fully aware of the extent of the incident (which was within 48 hours of it having occurred), and procedures were strengthened.

ASSESSMENT

The SLSG recognized that information was only collected from the Whitecaps and not from any of the parties directly involved with the incident, as the management of this incident fell outside of the initial scope of this Review. Based on the interviews, the Whitecaps handled this incident reasonably and in accordance with expected practices. Further, the Whitecaps appear to have learned from the incident and improved their player protection measures (e.g., increased supervision and continued education on the Code of Conduct and behaviour standards).

The most concerning issue was the victim's mother's assertion that the Whitecaps had advised her not to contact the police. Before the Whitecaps were made aware of the full extent of the assault, staff acknowledged that there

was a discussion with the victim's family about the pros and the cons of involving the police. However, staff were consistent in their recollections that at no time was the victim's family advised not to contact police. Once the full extent of the alleged incident was known, a member of the leadership team immediately advised the family that they needed to contact the police and wrote the RCMP victim services number down on a piece of paper and provided it to the victim's mother. The individual instructed the family to contact the RCMP as soon as they left, and to confirm when they had done so. The Whitecaps then also contacted the RCMP. Nevertheless, Whitecaps staff should not have attempted to act as counsel to the family and, if it was suspected that there may have been a criminal incident, should have contacted police immediately themselves.

The 48-hour delay in contacting the police was not ideal, but the effort taken by staff to ensure that the family was fully apprised of conflicting facts, potential risks, and options available to them before making a decision, was well-intended and not meant to dissuade the family from notifying the police. Instead, the Whitecaps wanted to ensure the family could make an informed decision. This approach is understandable and not uncommon among sport organizations; however, leading practice would suggest that police be notified immediately upon learning that a criminal act has been committed and allow the police (not the organization) to provide advice to the complainant. While it is the SLSG's recommendation that police be contacted if there is evidence of physical harm against a minor, an organization's legal duty to report is not necessarily applicable unless the parents or guardians of the victim are unable or unwilling to make the report themselves. This was not the case here.

The Whitecaps appeared to have handled this incident reasonably and in accordance with expected practices. Meetings and interviews appeared to have been handled appropriately, parents were notified immediately upon becoming aware of the incident, and the issue was escalated to senior management and HR. Staff met players separately to get independent accounts of the incident, the accused players were suspended from the program to ensure a safe environment throughout the investigation, and were subsequently released from the program. Police were contacted within 48 hours and residency staff cooperated with the police investigation. Offers of counselling were made to the victim and to other players, and all residency families were apprised of the situation and regularly updated on the progress of the police investigation. Afterwards, the Residency program pledged to strengthen their procedures to avoid future incidents of unsupervised behaviour and did so.

Hiring of a Coach in 2013

DESCRIPTION OF INCIDENT

In October 2013, the Whitecaps announced that they hired an individual to be the regional head coach to lead the Kootenay Academy Centre. In a press release¹³, the Whitecaps noted that the coach had previously coached in England.

The Whitecaps interviewed the coach in January 2013 and his references and background check were verified. However, there was no position open at that time, so his information was kept on file. In September 2013, a position became available and the coach was retained. The Whitecaps were unaware of the racism allegations (which occurred in April 2013, after the initial screening) and did not perform any additional screening before the coach was hired. It was later, in 2015, that the coach was sanctioned by the FA (a governing organization in English soccer).

The SLSG asked Whitecaps administrative staff what they recalled about the hiring of the coach and the subsequent revelations.

¹³ Retrieved September 21, 2019 from: <https://www.whitecapsfc.com/post/2013/10/02/whitecaps-fc-appoint-regional-head-coach-lead-kootenay-academy-centre>

ASSESSMENT

Based on the information provided and interviews with staff, the Whitecaps acknowledged that there was an error in the hiring process for this coach. There was a delay between the time that the coach was interviewed and vetted (January 2013) to the time that he was actually hired (September 2013). During this timeframe, the allegations of racism were filed against him in the UK (April 2013). Had the Whitecaps redone the interview and vetting process once the coaching position became available, these allegations may have impacted the hiring decision.

Since this incident, the Whitecaps maintain there have been no similar situations where there has been a delay between the date of vetting and the time of hiring. The Whitecaps indicated that should such a situation arise in the future, there would be a second interview and vetting process at time of hiring.

The Whitecaps accepted that there was an error in process in this instance and have taken steps to ensure that such a situation does not arise in the future. The Whitecaps have implemented a more rigorous system for ensuring that the necessary due diligence is completed prior to hiring. There are multiple levels that a candidate must successfully clear before an offer of employment is made and these are described in the Whitecaps' Policy & Procedure Guideline 3.04 – Recruitment and Hiring.

PART VI – SAFE SPORT REVIEW

DOCUMENT REVIEW

The following documents and resources were reviewed as part of the Safe Sport policy review:

- Whitecaps Code of Conduct for Players, Parents and Guardians, Coaches (2019)
- Whitecaps Academy Player Handbook (2019-2020)
- Whitecaps Girls Elite Rex Academy Player Handbook (2018-2019)
- Whitecaps Academy Policies and Code of Conduct Agreement (2018-2019)
- Whitecaps Player Safeguarding Policies
- Whitecaps Ethics Reporting Web Portal procedure
- Whitecaps ‘Safe Sport’ website tab
- Canada Soccer Guide to Safety¹⁴
- Ontario Soccer Policies¹⁵
- BC Soccer Judicial Code and Policies¹⁶
- Coaching Association of Canada Responsible Coaching Movement¹⁷
- Safe Sport Policies for National and Provincial Sport organizations¹⁸
- Canadian Centre for Ethics in Sport – Components of a Universal Code of Conduct v.4.0
- US Center for Safe Sport Policies and Procedures¹⁹

LEADING PRACTICES

A comprehensive safe sport policy suite typically includes several elements: standards for conduct and ethics, abuse, athlete protection, independent reporting procedures and investigations, complaint and disciplinary policies, and other measures that are implemented for player protection.

Fairness in reporting is achieved by the appointment of an independent third-party who acts as a ‘Discipline Chair’ or ‘Complaints Administrator’ or in a similar position. This individual is not in a conflict of interest and can manage the complaint process in a procedurally fair manner. The person is usually not a part of the organization and the same individual can serve in this role for multiple organizations. This independence can empower participants to report complaints or seek guidance without fear of reprisal and with the assurance that they will not be prejudged. Another layer to this process has been for organizations to also appoint a neutral decision-making panel, who have no personal connection to the parties, to decide on the complaint.

Safe sport policies have comprehensive definitions of misconduct. Many organizations have detailed definitions of harassment, discrimination, abuse, sexual harassment, and workplace harassment. In many cases there are also specific examples provided of what can be considered misconduct, such as cyberbullying, hazing, and persistent unwanted contact. It is also clear to whom these policies apply – coaches, officials, players, etc.

Individuals who are in a position of authority over minor players are required to pass screening and have additional

¹⁴ See: https://www.canadasoccer.com/files/CANADASOCCER_GuidetoSafetyEN.pdf

¹⁵ Retrieved September 21, 2019 from <https://www.ontariosoccer.net/governing-documents>

¹⁶ Retrieved September 21, 2019 from <https://www.bcsoccer.net/bylaws>

¹⁷ Retrieved September 21, 2019 from <https://www.coach.ca/responsible-coaching-movement-p160721>

¹⁸ The Sport Law & Strategy Group is a sector leader at developing safe sport policies for NSOs, PTSOs, and large local clubs. For the purpose of this Review, the SLSG analyzed safe sport policies developed in consultation with the SLSG (including [Wrestling Canada](#), [Athletics Canada](#), [Gymnastics Ontario](#), etc.) as well as safe sport policies that were developed independent from the SLSG (such as [Swimming Canada](#), [Skate Canada](#), and the [Ontario Volleyball Association](#), among others).

¹⁹ Retrieved September 21, 2019 from <https://uscenterforsafesport.org/response-and-resolution/policies-and-procedures/>

training related to their role. For example, coaches in almost every sport organization are required to complete the NCCP Make Ethical Decisions training module²⁰. Increasingly, organizations are requiring persons in authority to take the applicable Respect in Sport training²¹ or equivalent. Screening requirements can range depending on the position of authority. Current leading practice for sport organizations is to have a suite of screening tools that includes an application form, disclosure forms, references checks, criminal record checks, vulnerable sector checks, interviews, orientation, and monitoring. Notably, the process for obtaining a criminal record check in the Province of BC is different than the process in all the other provinces and territories. Individuals in BC who work with children and vulnerable adults *must* obtain a criminal record check and can do so for free.²²

Organizations are increasingly implementing specific player protection measures. These measures can include requiring that persons in authority pass screening requirements and take training modules, as described above, but can also be sport-specific and reference scenarios like parents entering changerooms or when picture-taking is prohibited.²³ Other player protection initiatives include the Rule of Two (which says that there must always be *two* persons in authority around a minor player) and ensuring that open and observable environments²⁴ are created and maintained.

An organization's safe sport policies must be accessible. Current leading practice is for sport organizations to have a clear and evident location on their website's homepage that users can visit for more information and guidance. Regularly, organizations are also having individuals sign a Code of Conduct or acknowledge their agreement to adhering to certain policies. Such acknowledgement is then renewed annually and kept on file by the organization.

National initiatives related to safe sport are being developed by different stakeholder groups. The Canadian Centre for Ethics in Sport promotes True Sport, which is a *"series of programs and initiatives designed to give people, communities and organizations the means by which to leverage the many benefits of sport from a platform of shared values and principles"*.²⁵ Thousands of sport organizations and individuals have committed to the True Sport Principles.²⁶ The Coaching Association of Canada has developed the Responsible Coaching Movement and over 500 sport organizations have taken the responsible coaching pledge.²⁷

In 2019, a new National initiative – the Canada Sport Helpline²⁸ – was launched and included a website with resources and guidance. The Helpline is staffed twelve hours a day and individuals can contact staff members who will assist in directing the individual to their organization's applicable policies and procedures for reporting abuse.

Finally, organizations have been recently seeking feedback from their athletes on a regular basis. Athletes are engaged by direct communications, and via surveys, which helps open communications lines between the organization and the athletes and informs athletes (and their parents/guardians) about what is acceptable behaviour within sport.

The safe sport principles that are shared by National and Provincial sport organizations can be operationalized as follows:

- Accessible
- Definitions for Misconduct

²⁰ See: <https://www.coach.ca/make-ethical-decisions-med--s16834>

²¹ See: <https://www.respectgroupinc.com/respect-in-sport/>

²² See: <https://www.viasport.ca/free-criminal-records-checks>

²³ Swimming Canada's *Event Photography and Videography Procedure* prohibits spectators (including parents and guardians) from taking pictures of players when they are lined up on the starting blocks prior to a race

²⁴ See Wrestling Canada's *Open & Observable Environments Procedure*

²⁵ Retrieved September 22, 2019 from <https://www.cces.ca/true-sport-0>

²⁶ See: <https://truesportpur.ca/true-sport-principles>

²⁷ See: <https://www.coach.ca/responsible-coaching-movement-s17179>

²⁸ See: <https://abuse-free-sport.ca/en/>

- Specific Examples for Player Protection
- Disputes Reported to Independent Body
- Option for Investigation
- Disputes Decided by Independent Body
- Qualifications for Persons in Authority
- Screening for Persons in Authority

For this Report, the above checklist was applied to the current Whitecaps policies and procedures for safe sport and recommendations were made for areas of improvement.

ASSESSMENT

Since 2008, the Whitecaps have continued to improve upon past practices, particularly as they relate to safe sport. New policies have been created which define the boundaries of expected behaviour of all participants and staff, multiple options have been provided to participants which allow for the confidential reporting of concerns in a safe environment, and an anonymous reporting hotline now exists. A full time HR professional is now available at Head Office to guide the organization as the need arises. Medical and police liaisons are available to assist participants as necessary and they have dedicated a section of their website to Safe Sport.

Based on the SLSG's review of the policies and survey results, it is not immediately evident to whom a report of misconduct is to be sent, or what happens to that report. Once a complaint reaches the Whitecaps, it is not clear what actions the Whitecaps will take to investigate and/or address the issue. It is also not evident that there will be no reprisal or detrimental effect to the complainant. Players should know how to report complaints, how the complaints will be addressed, and that they will not face reprisal for reporting an incident. Safe sport resources should be directly communicated to all participants and their parents/guardians and additional resources should be provided to victims.

The Whitecaps need to ensure that coaching staff at all levels are fully educated and agree to abide by the expected standards of behaviour and are familiar with the Safe Sport page that has been dedicated on the organization's website. The current leading safe sport practice requires that coaches and players are never alone together and should only engage in one-on-one interactions in open and observable environments. Coaches should be reminded that if the need occurs to be alone with a player, they should make best efforts to ensure that another adult is present, or that the interaction is done in an open and observable environment.

More work needs to be done in order for the Whitecaps to be considered as adopting leading safe sport practices. This work would include actions such as more intentionally engaging their stakeholders for feedback, ensuring that potential risks are being properly identified, assessed and mitigated, making a commitment to abide by safe sport principles (such as those expressed by True Sport), and proactively communicating their commitment in this area so that participants are aware of safe sport practices and expectations.

PART VII – HUMAN RESOURCES POLICY REVIEW

Human Resources

The following documents were reviewed as part the HR policy review:

- Whitecaps Policies and Procedures Guidelines (February 2016) Sections 1.0 through 5.0
- Whitecaps template employment agreement for coaches
- Sample performance review (redacted)
- HR policies and practices manuals from National and Provincial Sport Organizations²⁹
- BC Employment Standards Act

LEADING PRACTICES

The sport sector has generally been slow to adopt good practices in HR management but there has been significant improvement in this area over the past few years. Some of the leading practices now include:

- Formalized HR Committees with expertise in HR management
- Comprehensive written HR policies and procedures
- Clear and concise job descriptions
- Employment contracts reviewed by a lawyer
- Detailed orientations and training
- Regular performance reviews

CURRENT WHITECAPS POLICIES

The current Whitecaps Policies and Procedures Guidelines includes the following sections:

- | | | |
|--|------------------------------------|--|
| • Mission & Values | • Equity & Diversity | • Statutory Holidays |
| • Definitions | • Employment Applications | • Sick Leave |
| • Conflict of Interest | • Recruitment procedures | • Bereavement |
| • Code of Conduct | • Criminal record check | • Jury Duty |
| • Respectful Workplace | • Paid time off | • Maternity/Paternity leave |
| • Disciplinary Action | • Retirement | • Long term personal unpaid leave |
| • Health & Safety | • Reference Checks | • Social Media Code of Conduct |
| • Performance and position evaluations | • Personal Information Protection | • Care/Support for immediate family member |
| • Alcohol and Drug Code of Conduct (recently updated to include marijuana) | • Short term personal unpaid leave | |

Once hired, employees are required to sign an acknowledgement that they have read and agree to abide by the Guidelines.

Individuals that were interviewed for this area of the Review included Whitecaps administrative staff who are involved in the hiring process for coaches as well as some full-time coaches. The focus of the interviews with the

²⁹ The SLSG regularly works with National and large Provincial sport organizations on their human resources policies and employment matters. Importantly, many sport organizations consider their human resources policies and manuals to be confidential and do not make them public. For this Review, the SLSG reviewed the human resources policies and employment procedures of several Canadian not-for-profit sport organizations at the National and Provincial level.

administrative staff was to understand the recruiting and hiring process. Coaches were interviewed about their experience with the hiring and orientation process. Additionally, some questions regarding hiring processes were covered in the coach and administrator survey. The information gathered through interviews and surveys was considered in the assessment and findings related to human resources.

ASSESSMENT

After reviewing the Whitecaps documentation and following interviews with employees, the SLSG observed that there has been a great deal of positive progress in the development of more stringent processes as they relate to HR management. In addition, the recent hiring of an experienced HR professional as part of the senior staff team has resulted in several new policies and procedures that have strengthened the Whitecaps' HR practices. Overall, this Review indicates that the Whitecaps currently use many of the leading practices outlined above.

The main identified gap relates to the fact that the Whitecaps employ many full and part-time staff across a number of provincial jurisdictions. This means that there are multiple provincial Employment Standards Acts that must be adhered to. The current Guidelines document does not appear to reflect the variations between provincial legislation. For example, in *3.08 Leave – Other 1. Statutory and Religious Holiday Leave Policy*, only the ten (10) BC Statutory Holidays are listed. The statutory holidays for Whitecaps employees in Saskatchewan and Ontario, for example, are different. Similarly, there are differences in other minimum leave standards across the provincial jurisdictions which must be reflected.

Recommendations are provided in [PART VIII – SUMMARY OF RECOMMENDATIONS](#).

PART VIII – SUMMARY OF RECOMMENDATIONS

Recommendations for Historical Incidents

Since 2008, the Whitecaps have continued to make significant improvements to their policies and their complaint management procedures. Many ‘recommendations’ for what the Whitecaps could or should have done differently in 2008 or in relation to the other historical incidents reviewed (2013 & 2017) have already been addressed and are reflected in current policies and practices. Any additional recommendations with respect to complaint management and ensuring a safe environment have been captured below.

Recommendations for Safe Sport

1. Clarify reporting procedures for complaints and disputes by appointing an independent-third party as the first point-of-contact and describe how the independent third-party will handle and/or investigate the complaint. To increase comfort levels, consider ways to ensure gender equity is provided in this role, should a complainant have a preference
2. Proactively communicate the leading safe sport resources and hotlines that are available to Canadian sport participants for harassment prevention, complaint reporting, and victim support
3. Ensure that all complaints about potential code of conduct violations will be addressed promptly and consistently, regardless of the identity of the perpetrator
4. Ensure all staff and participants know that any reprisal or retaliation after concerns or complaints have been raised will not be tolerated and that there will be consequences for such actions, up to and including termination (for staff) and expulsion (for participants)
5. Continue posting and distributing information about safe sport at Whitecaps facilities³⁰
6. Adopt or adapt Canada Soccer’s comprehensive Guide to Safety which currently meets or exceeds leading practices in the not-for-profit sport sector
7. Require coaches to submit proof of completion of applicable Respect in Sport training courses (or equivalent) prior to participation in any Whitecaps program or camp
8. Create a mechanism that allows players/parents to anonymously evaluate coaches and staff and provide feedback throughout the season
9. Continue to ensure that billeted families are adequately screened and monitored to ensure a safe environment for the player while under their care
10. Consider making a public commitment to the True Sport Principles to help rebuild trust and remind the community that player safety and well-being is a priority. Ensure coaches use the True Sport Principles or equivalent to reinforce a safe and welcoming environment
11. Consider joining the Coaching Association of Canada’s Responsible Coaching Movement and committing to enhanced background screening, ethics and respect training, and adherence to the Rule of Two. If the Rule of Two cannot be adhered to, one-on-one meetings between coaches and players must always be in an open and observable environment
12. Conduct risk assessments at each residency program, high performance program, academy and camp to identify, assess and mitigate potential risks
13. Conduct post-program evaluations to analyze the success of the program and verify if identified risks were adequately monitored and or reduced, and if existing policies were successfully implemented
14. Conduct random on-the-ground assessments at residency programs, academies and camps to evaluate how policies and processes are being managed on the field of play
15. Educate coaches, people in positions of trust, athletes and their parents/guardians about safe sport, specifically detailing expected conduct and how to report a complaint

³⁰ Skate Canada’s [safe sport webpage](#) offers a brochure and posters describing the importance of safe sport

16. Communication on personal social media between coaches and players should be limited to non-personal topics. Consider implementing a social media policy which clearly defines how communications are to be handled between coaches and athletes. When applicable, coaches should use non-social media (such as Team Snap) to communicate information to players
17. For High Performance programs, the conduct standards in the player handbook should be formally reviewed with players pre-season and mid-season to ensure awareness and adherence
18. Ensure that camp coaches thoroughly review the conduct standards with the players and provide examples of what would be considered inappropriate behaviour. Ensure that parents/guardians have been made aware that the standards have been reviewed and that violations will not be tolerated
19. For camps, remind coaches that at least two coaches or greeters should be on-site to supervise players as soon as they arrive
20. For camps, mixed-gender and mixed-age programs should be monitored carefully to ensure they are not being dominated by boys or older children
21. Visiting the 'Safe Sport' section of the Whitecaps website should be a mandatory component that occurs during registration
22. Ensure high performance participants are aware that there are staff psychologists and psychiatrists available to assist with player well-being
23. The diversity of the participants should be reflected in the diversity of the volunteers and coaches. The Whitecaps should continue efforts to ensure that more women and under-represented groups are serving as coaches and role models
24. An arms-length parent/guardian committee would be a useful advisory tool to ensure healthy communications.

Recommendations for Human Resources

1. Remove the term "Guidelines" in the Whitecaps Policies and Procedures Guidelines document. The material included in these "Guidelines" are policy statements with clearly defined requirements for adherence and in some cases consequences of non-compliance. The term "Guidelines" is misleading and inaccurate
2. Review the definition of "Contractor" and "Employee". There appears to be an overlap in that "Contractor" is defined separately from "Employee" but is then also included in the definition of "Employee". "Contractor" should be removed from the "Employee" definition and be separately defined
3. Review current policies to ensure that they reflect the employment standards legislation requirements of those provinces in which the Whitecaps has employees
4. Conduct an annual review of the Policies & Procedures manual and update the date of the document accordingly
5. Consider requiring coaches to take additional training, such as 'Commit to Kids for Coaches' offered by the Canadian Centre for Child Protection³¹ and/or specific training to empower and mentor female coaches
6. Require all new and current employees to read and acknowledge their understanding of all components of the Policies and Procedures manual
7. Continue to provide professional development opportunities for staff on a regular basis. Webinars covering such topics as risk management, healthy workplaces, workplace harassment, complaint reporting, employment legislation, conflict of interest, etc. are useful for all employees. Require employees to attend a minimum number of webinars per year
8. All coaching positions should be screened more thoroughly. There should be at least four mandatory requirements for all positions: submitting a resume, providing references from past employers, participating in an interview, and submitting a screening disclosure form with a criminal record check and

³¹ See: <https://www.protectchildren.ca/en/get-involved/online-training/commit-to-kids-for-coaches/>

vulnerable sector check. Criminal records check should include documents from the employee's previous residing countries and a letter of good standing from their previous and current sport organization (or similar organization)

9. All coaches and administrators should be required to review the Respectful Workplace Policy and the expected conduct standards on an annual basis. Viewing the safe sport section of the Whitecaps website should be mandatory
10. Every coach at an Academy Centre or High Performance program run directly by the Whitecaps, and every Whitecaps administrator, should have a formal written employment agreement or contractor agreement with the Whitecaps

Concluding Remarks

The SLSG recommends that the Whitecaps continue to improve their efforts to actively engage their stakeholders, particularly the players. This engagement would include intentionally seeking their opinions, involving them in the shaping of policies and processes, and then making changes based on their input. Continuing to engage players, as well as staff, in this way will provide opportunities to hear about issues firsthand and attempt to resolve those issues before they escalate in a more public manner.

The SLSG further recommends that the Whitecaps take steps to ensure that all complaints, regardless of the level of programming, should be documented and addressed. This will ensure a formalized record of all incidents that are brought to the attention of the organization and will provide a comprehensive record of how the organization responded to those incidents and what actions, if any, were taken to address them. If no action is deemed necessary by the organization, the rationale for that decision should be documented and shared with the parties involved.

Going forward, the SLSG recommends that the Whitecaps continue to take steps to improve the level of transparency, monitoring and oversight provided during the management of any future complaints, and that they implement the proposed recommendations noted above.

PART IX – AUTHORS AND ACKNOWLEDGEMENT

The SLSG acknowledges and expresses our sincere gratitude to all participants who took the time to contribute and participate in this Review process, particularly former players who were willing to share their personal experiences from 2008 with us. We are hopeful that the lessons learned and recommendations shared throughout this Report will provide the Whitecaps with the tools they need to continue their efforts to be considered an industry leader in the area of safe sport.

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