

Ottawa Lions Track and Field Club Harassment Investigation Timelines

15 May 2019

Executive Summary:

- Two sets of complaints of sexual harassment have been made to the Club, one in September 2016 and the other in August 2018.
- The 2016 sexual harassment complaint process was investigated internally per *Ontario Health and Safety Act* practices. A letter of reprimand was issued to Mr. Andy McInnis and a series of reforms in Club practices and policies introduced.
- The 2018 sexual harassment complaint process was investigated by an external independent investigator. After being notified of these complaints the Club Board of Directors immediately placed Mr McInnis on paid leave pending the outcome of the investigation.
- At no point have the police been contacted by the Club and legal counsel received by the Board of Directors is that we should advise victims of their right to file criminal complaints, but that it is not the Club's place to do it for them.
- Dr. Ken Porter was expelled from the Club on 29 April 2019. The Board has received no report of similar conduct during Dr. Porter's affiliation with the Club. If such allegations are brought forward the Board will refer them to either Athletics Ontario (<https://athleticsontario.ca/safe-sport/>) or Athletics Canada (<http://athletics.ca/safesport/>) for investigation.
- In all these matters the Board has sought advice from a leading Canadian labour law firm – Emond Harnden – and followed their counsel.

The 2016 Sexual Harassment Investigation

On 6 September 2016 the Ottawa Lions Track and Field Club received a letter of complaint raising concerns about a culture of sexual harassment within the Club, with a specific emphasis on the harassment of female members by some male coaches.¹ While the letter provided no specific allegations against individual coaches, it did raise a series of broad areas of concern and stated that there were athletes who would come forward to make complaints if an appropriate mechanism were made available.

Focusing on the conduct of some male coaches towards female athletes, the letter specifically alleged the following misconduct:

“[...] comments and questions of a sexual nature, including regarding sexual activity and preferences; inappropriate and unwanted touching, pinching, slapping and massaging; unwelcome sexual remarks about an athlete's body or attire; demeaning remarks about an athlete's body or weight; description or display of sexually explicit material; and intimidation related to speaking out about harassment.”

The author concluded by noting that, “[a]s a result, many athletes, particularly young women and girls, have been denied a sporting environment in which they are treated with equal respect and dignity.” There were no allegations of sexual assault in the letter and

the subsequent legal advice received by the Club Board of Directors was that there were no assault allegations to pursue or communicate to the police.

At its 26 September 2016 meeting the Ottawa Lions Track and Field Club Board of Directors named Club Treasurer Ms. Maureen Moore as the Club's Harassment Officer and asked her to lead an investigation into the allegations outlined in the 6 September 2016 letter. At this meeting the Board also appointed a three member Disciplinary Committee to pursue the issues raised in the letter and prepare a report with recommendations for the Club President.² Ms. Moore was joined on the disciplinary committee by Dr. Ken Porter as well as Ms. Etelvina da Costa, an external invitee with deep experience managing human resources questions with the Ottawa Hospital.

The disciplinary committee pursued the matters raised in the 6 September 2016 letter and contacted the individuals who wished to put forward harassment complaints. Through these meetings it was identified that the matters of complaint did not constitute sexual assault, but did fall under the classification of sexual harassment. Since the Athletics Ontario and Athletics Canada procedural guidelines for conducting an investigation into sexual harassment at the time were not clear and also not yet consistent with changes in Ontario legislation,³ a decision was made to conduct the investigation pursuant to the rules and regulations of the Province of Ontario Occupational Health and Safety Act (OHSA).⁴

The provisions of the *OHSA* introduce an element of stringency for the Ottawa Lions Track and Field Club with respect to confidentiality. Specifically, the legal advice the Board received is that the *OHSA* focus on the relationship between the employer and the employee means the employer has a responsibility to maintain the confidentiality of complainants, respondents, and witnesses, particularly if they are employees of the organization.⁵ This is an added legal requirement that the Ottawa Lions Track and Field Club had to closely follow in 2016 and 2018 investigations.

With the legal guidance on the confidentiality requirements of the *OHSA* in mind, the Disciplinary Committee shared only extremely limited information about the 2016 investigation with the Board of Directors, confining itself to reporting that credible complaints had been made, investigated, found to have substance. No information was communicated about who had made complaints, against whom they had been made, or about the specific nature of the complaints. The only allusion forthcoming from the Disciplinary Committee during discussions at the January 2017 Board meeting was that allegations had been made against Club Executive Director Mr. Andy McInnis and another coach, and that Mr. McInnis had acknowledged that he had engaged in the behaviours of which he was accused. Mr. McInnis was subsequently issued a letter of reprimand, delivered by then Club President Dr. Porter.⁶ The other coach left the Club.

Reforms Introduced After the 2016 Sexual Harassment Investigation

Although the Board was not informed at the January 2017 meeting if any other coaches were implicated in the investigation, the Disciplinary Committee did suggest to the Board that the 6 September 2016 letter of complaint was a valuable notification that the Club

should strengthen its processes around the prevention and monitoring of potential instances of harassment. Specifically, the preamble to the Disciplinary Committee's report to the Board on the 2016 investigation noted that the OHSA "places greater onus on the employer to deal with sexual harassment on a proactive basis and outlines new requirements with respect to an organization's Harassment Policies and Procedures, including the obligation to educate staff and take proactive steps to investigate instances of sexual harassment, regardless of whether it is formally reported." This advice is reflected in the measures that were put before the Board and approved at the 23 January 2017 meeting. Drawing on the recommendations from the Disciplinary Committee, the Board approved nine measures:

- i) *That harassment, including sexual harassment, training be mandatory for all Cub Staff, Coaches and Board Members and that all training be provided as part of the individual's orientation to the Club and repeated on a bi-annual basis.*
- ii) *That the Club develop a statement of expectations for coaches and athletes.*
- iii) *That the Club provide links to information on nutrition, regeneration, and long-term athlete development.*
- iv) *That orientation packages for coaches and athletes be developed and implemented by the start of the 2017/18 season.*
- v) *That the Club update its Harassment Policy and Procedure to reflect the mandatory requirements of Bill 132 [OHSA] within four months of this Board meeting.*
- vi) *That a password protected Club email account be assigned to the Club's Harassment Officer and that it be referred to in the Club's Harassment Policy.*
- vii) *That the Club establish a mechanism to receive feedback from members, both positive and negative, and that the results be reported to the Head Coach and Board.*
- viii) *That within the next three months the Club establish a small working group to survey athletes regarding their preferred uniform style and from there select two sets of clothing options for both male and female athletes ensuring that each has at least one modest type of uniform.*
- ix) *That any required uniform fitting be done in the presence of at least one assessor of the same gender as the athlete.*

The measures taken to implement these nine recommendations are set out in Annex I.

To assist with the required behaviour modification the Club and Mr. McInnis agreed that he would complete the *Respect in Sport Program* for Coaches and *Respect in the Workplace Program* for administrators. Mr. McInnis was further notified that a copy of his reprimand letter would be kept in his personnel file.

The University of Ottawa did not issue Mr. McInnis with a written reprimand or warning because it did not receive a formal complaint. However, officials at the University of

Ottawa have confirmed they were made aware of the Club investigation and its findings, and subsequently held a meeting with Mr. McInnis where he was given a verbal warning.

Given the employer-employee relationship that the Club had with Mr. McInnis under the OHSA, the Club treated the 2016 sexual harassment investigation as an internal disciplinary matter and issued no public statement on the findings against Mr. McInnis or the disciplinary measures implemented.

The 2018 Sexual Harassment Complaint and Investigation

In the first half of August 2018 a new series of sexual harassment complaints against Mr. McInnis were presented to Ms. Moore, who was continuing to serve as the Club Harassment Officer. Ms. Moore brought these allegations to the 10 September 2018 Board meeting. Citing concerns about conflict of interest, Ms. Moore insisted that the question of the allegations only be discussed during an in-camera session of the Board that would take place after Athlete Representative had left. Neither the Coach nor the Athlete Representative were aware that new allegations had been brought against Mr. McInnis.

Ms. Moore provided a high level summary account of the allegations against Mr. McInnis, placing them into two groups. The first group represented a series of incidents similar to those disciplined after completion of the 2016 investigation. The second group of allegations related to an alleged impropriety from 2012.

In preparation for her presentation to the Board and in order to help guide the Board's decision, Ms Moore sought legal advice from the labour law firm Emond Harnden LLP. In a 7 September 2018 letter, Counsel provided the following advice to Ms. Moore and the Club:

Based upon the current allegations and complaints, which will not be outlined here as the Board has a copy of these documents, it is my view that there is a need to immediately commence an investigation. Further, this investigation should be conducted by an external investigator retained by the Club. We are prepared to provide recommendations for investigators to handle this matter upon request.

It is too early in the process to discuss the potential disciplinary response or other actions that should be taken by the Club in the event that some or all of the complaints are found to be credible, but the possibility of contacting the police should be considered and discussed with the parents and complainant who has alleged that sexual touching occurred. I also recommend that in light of the additional complaints and the serious nature of the sexual touching complaint, Mr. McInnis should be suspended with pay as soon as possible pending the outcome of the investigation. If Mr. McInnis were to remain in the workplace and engage in any misconduct in the interim, the Club would be exposed to additional

liability and public relations issues for permitting him to have continued access to the athletes despite the Club's knowledge of the complaints.

Based upon the required timeline for a response, I will not delve too deeply into the legal analysis of the Board's obligations and statutory consideration with respect to the duty to investigate at this point. In summary, it is my opinion that the Club has a duty and responsibility to commence an investigation and to take the necessary steps to protect the organization and its athletes pending the outcome of that investigation by removing Mr. McInnis from the workplace and ensuring that he does not have access to the athletes.⁷

The subset of the Board present at the 10 September 2018 in-camera meeting viewed the allegations to be sufficiently serious to justify immediately suspending Mr. McInnis with pay pending the outcome of an investigation into the allegations. Dr. Porter met with Mr. McInnis the morning of 11 September 2018 to verbally inform Mr. McInnis of the suspension and, per Club harassment policies and procedures, to communicate the outline of the allegations Ms. Moore had provided in the in-camera session.⁸ The terms of the suspension communicated verbally and in a subsequent letter of suspension were that Mr. McInnis was not to be present at any Ottawa Lions Track and Field Club event or training session and that he was not to enter into contact with any members of the Club. All contact during the period of suspension was to be directed through the Club President.

On 13 September 2018 an additional in-camera session of the Board of Directors, again excluding the Athlete and Coach representatives, was convened. Ms. Moore reported back to the group on advice from counsel that the Club had no legal duty to report to the police on the matters contained in the allegations and that to do so could breach complainant confidentiality.⁹ Given the seriousness with which the Board was taking the allegations, the repeat nature of the allegations, and the complexities of conducting an unbiased investigation, Ms. Moore recommended that an independent investigator be hired to undertake the task. The Board agreed and asked her to pursue recruitment of said investigator.¹⁰ By 21 September 2018 Ms. Moore had contacted the three independent investigators recommended by Counsel. While none of the three were available, one did suggest two alternate names, and Ms. Moore sought an opinion from Counsel over which to choose. Both were recommended to the Club, with the investigator the Club finally selected being singled out as preferred because Counsel was most familiar with the individual's work and someone with whom Counsel had frequently worked closely with in the past.¹¹

Two principles marked the response of the Board members present at 10 September 2018 and 13 September 2018 the in-camera Board meetings. First, any risk to athletes must immediately be removed. This was accomplished through the suspension of Mr. McInnis from any and all Club activities per legal advice of 7 September 2018. Second, that the confidentiality of the complainants and respondents be protected per requirements in Ontario labour law as well as Club, Athletics Ontario, and Athletics Canada rules and procedures, again per legal advice. This was sought by a Board decision that it would not

engage in any external discussion of the investigation and by deliberately not providing club staff and members, including the acting Executive Director, with any information about why Mr. McInnis was on leave and what measures the Board might be discussing concerning the matter. It is also why the Board elected to state that Mr. McInnis had asked for a leave of absence instead of announcing that he had been suspended with pay, much less suspended with pay due to allegations of sexual harassment.

By October the decision by the Board to not share any information with anyone outside the subset present at the in-camera meetings was loosened to brief in the Coach and Athlete Representatives into the steps taken by the Board members at the 10 September 2018 and 13 September 2018 in-camera meetings. This was paralleled by disagreement from a small subset of Board members about the seriousness of the charges as well as some wider uncertainty about what the Board's role and responsibilities were in the situation. It was also the opinion of the independent investigator whom Ms. Moore was by then seeking to hire that the Board needed to be clear and unified on these questions before he would accept to undertake the investigation.¹² To address these issues Ms. Moore arranged for Counsel from Emond Harnden to brief the Board on the roles, responsibilities, risks, and best practices for the Board to consider in harassment related matters. This briefing was delivered on 15 October 2018 and resulted in a unanimous Board position to hire an independent external investigator to investigate the complaints brought forward in September 2018.¹³ By 18 October 2018 Ms. Moore had contracted the chosen independent external investigator.¹⁴

The 15 October 2018 meeting also involved a free exchange of views on Board processes and the approach taken to the initial decisions on the investigation. Question related to the investigation were also a repeated theme at subsequent Board meetings, with two topics dominating. First, was a focus on how the training programs of high performance athletes coached by Mr. McInnis could be maintained during his suspension, particularly subsequent to his 18 October 2018 request that he be allowed to coach a limited group of elite athletes.¹⁵ At no point did the Board grant Mr. McInnis license to enter into direct contact with any Club athletes, although it has subsequently become clear that Dr. Porter did autonomously give this permission with respect to the December 2018 training camp in California. The remedial measure the Board did approve was that he transmit workouts to athletes through the Club President. Second, as the end of the year approached there was a frustration with the pace of the investigation, which Ms. Moore reminded the Board was driven by witness availability and initial delays caused by the difficulty of finding a qualified investigator with the space in their schedule.

At no point during any of these Board meetings was there any decision that the suspension should be lifted. Consensus on this issue remained resolute. There were also no apparent attempts by the Board or its members to intervene with the Independent Investigator. Per the Investigator's instructions,¹⁶ Ms. Moore remained the only point of contact to the independent investigator and there was a strong consensus that any information a Board member might wish to contribute to the investigation be conveyed to Ms. Moore for forwarding to the Investigator, who would then make their own

determination of what do with it. The Board has maintained the protocol of having only a single point of contact with the Independent Investigator.

On 26 November 2018, Ms. Moore reported to the Board that the Investigator had completed his interviews with all of his witnesses and was awaiting word from Mr. McInnis's attorney about an agreed meeting day.¹⁷ On 3 December 2018 Dr. Porter breached protocol by sharing with the Board correspondence sent to him by Mr. McInnis's attorney in which there is an insistence that the complainants sign their allegations and that Mr. McInnis be made aware of the names of each complainant. Email correspondence between Board members on 3 December 2018 as well as discussions at the Board meeting chastised Dr. Porter for this breach of protocol, with some Board members stating they had deliberately not read the attachments once they realized they were from Mr. McInnis's attorney. While upset with Dr. Porter's conduct, the consensus at the Board was that it did nothing to materially change the rest of the Board's respect of the Investigator's independence given that Ms. Moore remained the only point of contact with the Investigator. There was unanimity that the investigation should continue.

On 13 December 2018 Ms. Moore advised the Board by email that Mr. McInnis's lawyer was insisting on signed, dated copies of the complaints as is indicated in the Club's harassment policy.¹⁸ To keep the process moving forward Ms. Moore instructed the Investigator to forward on her email correspondence collecting the complaints to Mr. McInnis's attorney in the hopes that this would suffice as an electronic signature.¹⁹ Ms. Moore updated the Board on 19 December 2018 that the Investigator had been informed on December 15th by Mr. McInnis's attorney that Mr. McInnis would be away until 8 January 2019.²⁰ At this time the Investigator also notified Ms. Moore that one complainant still had not signed their complaint, but that he was hoping to obtain this signature after Christmas,²¹ and did so on 9 January 2019.²² The Investigator conducted his interview with Mr McInnis on 21 January 2019 and had completed his review of the interview notes with Mr McInnis by 25 January 2019.²³

Mr. McInnis and the 2018 California Training Camp

Notification of Mr. McInnis's presence at the December 2018 training camp in California was brought to the attention of the Board at its 14 January 2019 meeting and addressed in a period of in-camera discussion. All Board members were present at the meeting, with Ms. Moore attending by telephone. A decision on further disciplinary action against Mr. McInnis was not taken by the Board at that time for two reasons. First, Dr. Porter acknowledged he knew Mr. McInnis was attending the camp and had taken no action. Second, the Board was led to expect that it would shortly be receiving the report from the Independent Investigator and so decided to postpone a disciplinary decision pending the investigation findings. In retrospect it has also become clear that in January 2019 the Board was not in a position to take disciplinary action against Mr. McInnis for breaching the terms of his September 2018 suspension when he travelled to California and interacted with Ottawa Lions Athletes because he was given specific permission by Dr. Porter.

In December 2018, without consulting the Board, Dr. Porter gave consent in an apparent misinterpretation of legal advice that while the Board could ban Mr. McInnis from Club controlled events and spaces, it could not prevent him from being at facilities over which the Club did not have exclusivity. This independent decision by Dr. Porter created the founding conditions for the suspension levelled against him by the Athletics Canada Commissioner on 25 March 2019.²⁴

On 15 January 2019 Ms. Moore resigned all affiliations with the Ottawa Lions Track and Field Club. In her email resignation to the board she wrote: “As a volunteer board member I have been subject to bullying and harassment and will no longer subject myself to this abuse, particularly from you Ken, the board chairman, whose role is to set the tone for the board of directors and the Club.”²⁵ Ms. Moore’s resignation was specifically cited by Athletics Canada Commissioner Dr. Frank Fowlie in his 30 January 2019 email to the Board announcing that he was initiating an investigation into “systemic harassment issues with the Ottawa Lions Track Club.”²⁶ In a subsequent email exchange with the Club Dr. Fowlie provided some further clarification by writing that “[t]he second issue concerns the conduct of the Board in handling harassment matters.”²⁷

In his original email notifying the Board that he was launching an investigation, Dr. Fowlie explained:

In December 2018, I received a complaint concerning Andy McInnis and harassment behaviours witnessed by a volunteer. After discussions with your club’s then Sport Safe Officer [Ms. Moore], and on review by Commissioner John Reid, it was decided to allow the Ottawa Lions Track and Field Club to carry on with its own internal review. However, at that time, we were unaware that that similar complaints and investigations concerning Mr. McInnis and harassment issues had occurred in 2016. It is my understanding that Mr. McInnis admitted to the harassing behaviour and was reprimanded the Club. This material non-disclosure precluded us from making a fully informed decision about jurisdiction. Repetitive harassing behaviours, especially behaviours which involve sexual harassment are a major infraction of the Code of Conduct.²⁸

After referencing Ms. Moore’s resignation, the material non-disclosure relating to the 2016 investigation despite a 14 December 2018 conversation with Ms. Moore, and Ms. Moore’s opinion expressed to Dr. Fowlie that the Club investigation was being actively compromised, Dr. Fowlie wrote “I now assert the jurisdiction of the Commissioner over these complaints.”²⁹ The email from Dr. Fowlie continued on, “[a]s I have asserted jurisdiction over this matter, I would suggest that you suspend your investigation.”³⁰

After a pause to consult with Counsel the Board decided to continue with the Club’s independent investigation so as to not risk being in breach of its responsibilities under Ontario law and informed the Investigator to do so on 6 February 2019. A further decision was made to not permit the Club’s contracted Independent Investigator to share any information with the Athletics Canada investigator. Instead, the position adopted by the Board was to share as much of the Club’s report as is legally permissible directly with

Commissioner Fowlie in order to provide him with two independent evidentiary studies for his decision-making. The prime concern in limiting distribution of the Club's unredacted report – the only Board member to have seen this version is Mr. Ryan Rowat – was to vouchsafe complainant confidentiality per the requirements under Club policies as well as provincial privacy legislation.

The Board's discussions with Commissioner Fowlie caused a delay in the Club Investigator's ability to complete his report prior to his pre-arranged period of vacation from 16-24 February 2019. On Monday 11 February 2019 the Investigator informed Mr Rowat that he would have the report completed by 25 March 2019.³¹ On 25 March 2019 three members of the Board were jointly contacted with credible information of a new complaint related to the investigation. Steps were taken to put this complainant in contact with both Commissioner Fowlie and with the Club's Investigator, which introduced another short delay in completion of the Club's report as the Investigator provided this individual with a period of time to bring their complaint forward, although they ultimately chose not to pursue the matter.³² The Club-commissioned report was delivered on 16 April 2019 and the Board decision-making process with respect to the allegations against Mr. McInnis was arranged so that it could take into consideration both the Club and the Athletics Canada report in its deliberations. This is reflected in the Club's 8 May 2019 public announcement of Mr. McInnis's termination for cause.³³

Allegations of the week of 25 March 2019 against Ken Porter

A pair of very serious sexual misconduct allegations dating from the early 1970s were made against Dr. Porter on the Athletics Canada Twitter feed after his suspension by Commissioner Fowlie was announced on 25 March 2019. Members of the Board monitoring social media for reaction to the suspensions announced by Commissioner Fowlie immediately forwarded the allegations to Athletics Canada and Commissioner Fowlie. By 29 March 2019 the Board took the extraordinary step of also suspending any and all affiliations Dr. Porter had with the Club pending the outcome of an independent investigation by Athletics Canada. The Board had and still has no intention of initiating a separate investigation into these allegations because they either predate the formation of the Club or will best be handled by an external body. If additional allegations against Dr. Porter or similar allegations against other members are brought to Board they will be referred to either Athletics Ontario (<https://athleticsontario.ca/safe-sport/>) or Athletics Canada (<http://athletics.ca/safesport/>) for investigation.

By 19 April 2019 it became clear that Dr. Porter had perpetrated numerous transgressions of the Ottawa Lions Track and Field Club Statement of Expectations and for that reason the Board voted to expel Dr. Porter from the Club and serve him with a life ban. Section 3.4 of the Ottawa Lions Track and Field Club By-Laws dictates that an individual be given five days notice of their expulsion and offered an opportunity to appeal. Before issuing this notice and to ensure that procedures would not be contestable the Board consulted with Counsel, which occurred on 23 April 2019 and was immediately followed by issuance by email of the letter of expulsion, which was acknowledged by Dr. Porter. By 29 April 2019 there had been no challenge by Dr. Porter and he was consequently

notified of his expulsion. Public notification was subsequently posted on the Club website and distributed through the Club's social media channels.³⁴

ANNEX I

As of September 2018 the nine measures approved after the 2016 harassment investigation were in the following state of implementation.

- i) *That harassment, including sexual harassment, training be mandatory for all Club Staff, Coaches and Board Members and that all training be provided as part of the individual's orientation to the Club and repeated on a bi-annual basis.*

All coaches, Board members, and staff must now complete an online "Respect in Sport" training course or provide evidence that they have completed similar training for their employment. The Club is also continuing its standing practice of requiring all coaches, Board members, and staff to have a valid police records check. As of September 2018 coach compliance with this training element was at 66% and, per the important recommendation in the Athletics Canada Commissioner's report, steps are being taken to bring this number to 100% and keep it there.

- ii) *That the Club develop a statement of expectations for coaches and athletes.*

The Board developed a statement of expectations for Club members, which was approved at its 28 March 2017 meeting.³⁵ The Statement of Expectations is posted on the Club website and can be accessed at <https://ottawalions.com/the-club/about/policies/ottawa-lions-statement-of-expectations/>

- iii) *That the Club provide links to information on nutrition, regeneration, and long-term athlete development.*

The Board approved a series of suggested links on these topics at its 30 April 2018 meeting and they were subsequently posted on the Club's website.³⁶ The links can be accessed at <https://ottawalions.com/resources-for-your-training-life-away-from-the-track/>

- iv) *That orientation packages for coaches and athletes be developed and implemented by the start of the 2017/18 season.*

Rather than creating a package of information that would be handed to coaches and members, the Board took the 'virtual' approach of ensuring that all the information that would go into this package be available on the Club website.

- v) *That the Club update its Harassment Policy and Procedure to reflect the mandatory requirements of Bill 132 [OHSA] within four months of this Board meeting.*

While the Board did not meet the four-month target set upon adoption of the Disciplinary Committee's report, this deliverable was met by September 2018. Different attempts to have outside parties assist with the drafting of the policies and procedures did

not provide a plain language solution. The Board was informed at the 17 July 2017 meeting that its hoped for solution of drawing on local expertise to draw up the policies and procedures would not be possible because the individual declared they were unable to complete the task. By the 30 April 2018 Board meeting it became clear that none of the externally sourced drafts of a harassment policy and procedure were sufficiently clear and user friendly to be of utility to potential complainants. Recognizing that the Club is subservient to Athletics Ontario policies, the decision was made to adapt the AO policy and procedure for the Club. The revised version of the AO approach was approved and implemented at the 10 September 2018 Board meeting and posted on the Club website.³⁷

- vi) *That a password protected Club email account be assigned to the Club's Harassment Officer and that it be referred to in the Club's Harassment Policy.*

This task was completed shortly after the recommendations were adopted. The email address set up and listed on the contact details for the Club and in the Club harassment policy and procedures is ombudsperson@ottawalions.com.

- vii) *That the Club establish a mechanism to receive feedback from members, both positive and negative, and that the results be reported to the Head Coach and Board.*

The Club Ombudsperson office and email address was established for this function and as a supplement to the existing roles of Athletes's Representative and Coaches's Representative on the Board.³⁸

- viii) *That within the next three months the Club establish a small working group to survey athletes regarding their preferred uniform style and from there select two sets of clothing options for both male and female athletes ensuring that each has at least one modest type of uniform.*

While a small working group was not established to deal with this question, measures were taken to ensure that all athletes have a choice of at least two different styles of uniform consistent with the kinds of options offered Canadian national team members.

- ix) *That any required uniform fitting be done in the presence of at least one assessor of the same gender as the athlete.*

Measures have been taken to ensure that there is a coach, member of staff, or other athletes of the athlete's gender present when uniform fitting is taking place.

¹ [Anonymized], Letter to the Ottawa Lions Track and Field Club Board of Directors, 6 September 2016.

² Minutes of the Board Meeting Held at the Terry Fox Athletics Facility, Monday September 26, 2016 at 7:30 PM.

³ For example, the updated Athletics Ontario Harassment Policy was approved and released on 26 February 2017 (<https://athleticsontario.ca/wp-content/uploads/2017/03/Harassment-Policy-PnP-Final-26Feb17-1.pdf>) and the Athletics Canada Code of Conduct and Harassment Policy was updated on 24 May 2018 AC Board of Directors meeting (http://athletics.ca/wp-content/uploads/2018/06/May-24-2018-BOD-Minutes_Draft_May-30-2018_ENG-1.pdf, the pre-existing AC policies can be found at <http://athletics.ca/wp-content/uploads/2015/02/Rules-and-Bylaws.pdf>)

⁴ <https://www.ontario.ca/page/code-practice-address-workplace-harassment>

⁵ https://www.labour.gov.on.ca/english/hs/pubs/fs_vvh_employer.php

⁶ Letter from Ken Porter, President of the Ottawa Lions Track and Field Club, to Mr Andy McInnis, Executive Director of the Ottawa Lions Track and Field Club, 20 March 2017.

⁷ Letter from J. D. Sharp of Emond Harnden LLP to Ms. Maureen Moore, Ottawa Lions Track and Field Club Harassment Officer, 7 September 2018.

⁸ Email from Ms Maureen Moore to Board members present at the September 13 September 2018 in-camera Board meeting, “Confidential - Lions - Maureen's Notes from 2018_09_13 meeting” (14 September 2018).

⁹ Email from Ms Maureen Moore to Board members present at the September 13 September 2018 in-camera Board meeting, “Confidential - Lions - Maureen's Notes from 2018_09_13 meeting” (14 September 2018).

¹⁰ Email from Ms Maureen Moore to Board members present at the September 13 September 2018 in-camera Board meeting, “Confidential - Lions - Maureen's Notes from 2018_09_13 meeting” (14 September 2018).

¹¹ Email from J. D. Sharp to Maureen Moore, “Re: Confidential Lions – Independent Investigators,” (21 September 2018).

¹² Email from Maureen Moore to J.D Sharp, “Confidential – Lions Investigation update” (10 October 2018).

¹³ Email from Maureen Moore to J. D. Sharp, “Lions – Board Education Session,” (16 October 2018).

¹⁴ Email from Maureen Moore to Ottawa Lions Track and Field Club Board of Directors, CC to Independent Investigator, “Confidential – Lions – Update on Independent External Investigator,” (18 October 2018).

¹⁵ Letter from Ian Carter to Ken Porter, 17 October 2018.

¹⁶ Email from Maureen Moore to Ottawa Lions Track and Field Club Board of Directors, CC to Independent Investigator, “Confidential – Lions – Update on Independent External Investigator,” (18 October 2018).

¹⁷ Email from Maureen Moore to Ottawa Lions Track and Field Club Board of Directors, “Re: Investigation Update,” (26 November 2018, 8:27 pm).

¹⁸ Email from Ian Carter to Andrew Tremayne, “Andy McInnis,” (5 December 2018); Email from Maureen Moore to J. D. Sharp, “Ottawa Lions – California Training Camp,” (13 January 2019).

¹⁹ Email from Maureen Moore to Ottawa Lions Track and Field Club Board of Directors, “Confidential Investigation Update,” (13 December 2018, 5:37 pm).

²⁰ Email from Maureen Moore to the Ottawa Lions Track and Field Club Board of Directors, “Re: Confidential Investigation Update,” (19 December 2018, 10:50 am).

²¹ Email from Maureen Moore to the Ottawa Lions Track and Field Club Board of Directors, “Re: Confidential Investigation Update,” (19 December 2018, 10:50 am).

²² Andrew Tremayne, “Report – Strictly Confidential” (16 April 2019): p. 4.

²³ Andrew Tremayne Invoice to the Ottawa Lions Track and Field Club of 11 February 2019.

²⁴ <http://athletics.ca/office-of-the-athletics-canada-commissioner-announces-interim-suspensions-to-andy-mcinnis-and-ken-porter/>

²⁵ Email from Maureen Moore to Ottawa Lions Track and Field Club Board of Director Members, “Re: Documents for Monday January 14, 2019 Board meeting - 7pm at Louis-Riel,” 15 January 2019 at 3:52 pm.

²⁶ Email from athleticscommissioner@fowlie.ca to Ottawa Lions Track and Field Club Board of Directors Members and the AC Independent Investigator, “Athletics Canada Commissioners file ACC/2018/C/45,” 30 January 2019 at 1:59 pm.

²⁷ Email from athleticscommissioner@fowlie.ca to Ken Porter, “RE: Athletics Canada Commissioners file ACC/2018/C/45 Inbox x,” 7 February 2019 at 4:31 pm.

²⁸ Email from athleticscommissioner@fowlie.ca to Ottawa Lions Track and Field Club Board of Directors Members and the AC Independent Investigator, “Athletics Canada Commissioners file ACC/2018/C/45,” 30 January 2019 at 1:59 pm.

²⁹ Email from athleticscommissioner@fowlie.ca to Ottawa Lions Track and Field Club Board of Directors Members and the AC Independent Investigator, “Athletics Canada Commissioners file ACC/2018/C/45,” 30 January 2019 at 1:59 pm.

³⁰ Email from athleticscommissioner@fowlie.ca to Ottawa Lions Track and Field Club Board of Directors Members and the AC Independent Investigator, “Athletics Canada Commissioners file ACC/2018/C/45,” 30 January 2019 at 1:59 pm.

³¹ Email from Andrew Tremayne to Ryan Rowat, “PRIVATE AND CONFIDENTIAL,” (11 February 2019).

³² Andrew Tremayne, “Report – Strictly Confidential” (16 April 2019): p. 4.

³³ <https://ottawalions.com/2019/05/08/notice-to-members-4/>

³⁴ <https://ottawalions.com/2019/04/29/notice-to-members/>

³⁵ Minutes of the Board Meeting held in the conference room at 50 Cooper Street/71 Somerset Street, Tuesday March 28, 2017 at 8:15 PM

³⁶ Minutes of the Board Meeting held at the Terry Fox Athletic Facility, Monday 30 April, 2018 at 7:30 PM.

³⁷ The major difference between the Athletics Ontario and the Ottawa Lions Track and Field Track and Field Club harassment policy and procedures is that the Club does not have a tribunal component, which reflects the capacity limitations of the organization and concern that it would be all-but impossible for the Club to hold a tribunal session without falling afoul of conflict of interest principles. For comparative purposes the Ottawa Lions

Track and Field Club harassment policy and procedures can be found at <https://ottawalions.com/wp-content/uploads/2018/09/final-version-ottl-harassment-policy-10-sept-2018.pdf> and the Athletics Ontario harassment policy and procedures at <https://athleticsontario.ca/wp-content/uploads/2017/03/Harassment-Policy-PnP-Final-26Feb17-1.pdf>.

³⁸ Email from Ms Maureen Moore to Board members present at the September 13 September 2018 in-camera Board meeting, “Confidential - Lions - Maureen's Notes from 2018_09_13 meeting” (14 September 2018).