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MEMORANDUM

DATE: January 13, 2023
RECIPIENT: WCL Board of Directors & Membership c/o PTSOs
SUBJECT: Safe Sport Policy Manual

On behalf of the WCL Board, WCL's Management Team amended its Safe Sport Policy Manual to clarify that independent third parties ("ITPs") acting to administer WCL's Safe Sport Policies are themselves exempt from being the subject of proceedings under WCL's Discipline & Complaints Policy. This amendment has retroactive application for proceedings that are currently in the course of being determined under WCL's Discipline & Complaints Policy.

The basis for this amendment is to provide that those who are entrusted with interpreting WCL's policies are not themselves the subject of complaint. ITPs exercise significant quasi-judicial decision-making powers and must be able to exercise these powers without fear of being made the subject of a complaint. If ITPs err in their determinations, then the proper forum for challenging their decisions is through appeal, not by way of proceedings against these individuals.

In order to promote a safe sport environment, and to ensure that WCL has access to the most qualified ITPs, WCL needs to be able to promote and provide an environment where these individuals will not themselves be subject of complaint. Those who apply WCL's policies must be able to do so without external pressure or influence, and without fear of reprisal from those who might feel wronged by their decisions. This principle of immunity for decision-makers is well established in the Canadian common law, and, in the view of WCL's Management Team, should be granted to its ITPs.

WCL's Management Team made the decision that amendment to clarify its policies was necessary after receiving two divergent decisions in respect of the issue of whether an ITP could be subject to a complaint under the Discipline & Complaints Policy. WCL Management Team's view is that fairness requires that all its ITPs be treated the same way, and that its policies be applied and interpreted in a consistent manner.

