

ACC/2018/C/45

OFFICE OF THE ATHLETICS CANADA COMMISSIONER  
IN THE MATTER OF A COMPLAINT  
CONCERNING  
KEN PORTER  
OF THE  
OTTAWA LIONS TRACK AND FIELD CLUB  
ATHLETICS ONTARIO  
AND ATHLETICS CANADA

**NOTICE OF SUSPENSION**

## 1) JURISDICTION

The Athletics Canada Rules and Bylaws, effective November 30, 2018, contain the following Rules:

### **Code of Conduct and Ethics**

#### 129.01 Preamble

Athletics Canada views ethical conduct as a cornerstone in the fair administration of the sport of athletics. Everyone participating in athletics as an athlete, coach, IST, administrator, volunteer, or staff member is entitled to participate in an environment that is free of Harassment or Discrimination. Athletics Canada recognizes that it has a role in ensuring that a respectful environment exists in training, in competition, and in the workplace. Athletics Canada further expresses that it is imperative for the sport that participants conduct themselves with the highest level of ethical conduct on the field of play and in conducting Athletics Canada activities or business.

#### 129.06 Responsibilities

Individuals have a responsibility to:

a) Maintain and enhance the dignity and self-esteem of Athletics Canada members and other individuals by:

- i. Treating each other with the highest standards of respect and integrity;
- ii. Demonstrating equal treatment of all individuals in accordance with the principles set out in the human rights and occupational health and safety legislation as may be applicable;
- iii. Focusing comments or criticism appropriately and avoiding public criticism of Individuals;
- iv. Consistently demonstrating sportsmanship and fair play, sport leadership, and ethical conduct;
- v. Acting, when appropriate, to correct or prevent practices that are unjustly discriminatory or unethical;
- vi. Consistently treating other Individuals fairly and reasonably; and
- vii. Ensuring adherence to the rules of the sport and to the spirit of those rules.

b) Refrain from any behaviour that constitutes Harassment, Workplace Harassment, Sexual Harassment, Discrimination, or Workplace Violence;

### **Commissioner's Office – Terms of Reference**

#### 140.08 Procedures – Complaints

The Commissioner's Office is empowered to receive complaints of violations of Athletics Canada's Code of Conduct and Ethics and to resolve such complaints. However, to

ensure procedural fairness in the resolution of the complaint, the Commissioner's Office must be guided by the following procedure:...

...4) During the complaint procedure, the Commissioner's Office may decide that the alleged incident is of such seriousness as to warrant suspension of an Individual pending completion of any criminal process, or of the complaint procedure and the release of a decision by the Commissioner's Office.

## **2) Rationale**

Ken Porter is the Chair of the Ottawa Lions Track and Field Club. Complaints of sexual harassment concerning Mr. Andy McInnis, Head Coach with the Ottawa Lions Track and Field Club have been received by the Office of the Commissioner. In accordance with Rule 103.04, I have appointed an Independent Investigator to conduct an investigation into these complaints.

I am informed that Mr. McInnis is presently on paid administrative leave or suspension from coaching with the Ottawa Lions Track and Field Club as a result of sexual harassment complaints made to the club in 2018. The suspension or administrative leave has been in effect since September 13, 2018. I am also informed that Mr. McInnis was twice reprimanded by the club and the University of Ottawa in 2017 after complaints of sexual harassment made in 2016. The club's written reprimand was made after an internal harassment and sexual harassment investigation. These complaints involve athletes and other persons.

I am further advised that one of the terms of Mr. McInnis' administrative leave or suspension is that he have no contact with athletes from the Ottawa Lions Track and Field Club, "...you will not be in contact with any athletes and/or staff of the Club, nor are you to engage in any coaching or any activities with any of the athletes." I am informed that Mr. McInnis, while on administrative leave or suspension, a) attended a training camp, in California, during the last week of December 2018, and the first week of January 2019, where Ottawa Lions Track and Field Club athletes were training, and b) that he coached Ottawa Lions Track and Field Club athletes at that training camp. Both of these activities are contrary to the terms of his suspension or administrative leave.

Mr. Porter, as Board Chair, and with knowledge that Mr. McInnis attended this training camp and coached Lions Club athletes, has failed to take adequate remedial action concerning this breach of the suspension or administrative leave.

I believe that the allegation that Mr. Porter failed to correct or prevent an environment in an athlete workplace where sexual harassment was known and where a coach has violated the terms of his suspension or administrative leave is of such a serious nature so as to warrant suspension from Athletics Canada, its member branches, and clubs until such times as this complaint procedure is concluded, and I have released a decision.

### 3) Order

Mr. Ken Porter is suspended from Athletics Canada, its branches and clubs until such time as the completion of the complaint procedure ACC/2018/C/45 is concluded and I have released my decision in to this matter. This decision will be released in the shortest possible delay, and not later than June 30, 2019. If my decision is not released by June 30, 2019 this order will be vacated and the interim suspension will be lifted.

The Chief Operating Officer at Athletics Canada is directed to forthwith post notice of the suspension on the Athletics Canada Safe Sport – Suspended Individuals webpage, and to advise the Minister of Sport, the Athletics Canada branches and Clubs, and the Coaching Association of Canada of suspension.

Any appeal of this decision may be directed to the Sport Dispute Resolution Centre of Canada.

Dated at Richmond, British Columbia this 18th day of March, 2019.



Dr. Frank Fowlie

Athletics Canada Commissioner