

**IN THE MATTER OF AN APPEAL OF A DECISION
BY THE ONTARIO VOLLEYBALL ASSOCIATION
SCREENING COMMITTEE DATED MAY 16, 2014**

BETWEEN:

**STEWART AREVALO
(Appellant)**

And

**ONTARIO VOLLEYBALL ASSOCIATION
(Respondent)**

Decision on Temporary Conditions

1. In my decision dated July 31, 2014, I directed that Mr. Arevalo be allowed to participate in a designated category of membership within the Ontario Volleyball Association ("OVA"). I had hoped that the parties would be able to agree on appropriate conditions, but retained jurisdiction to set those conditions if agreement did not occur.
2. The parties were unable to reach an agreement and provided written submissions regarding what each viewed as appropriate temporary conditions.
3. I have reviewed the submissions and direct that the following temporary conditions be placed on Mr. Arevalo. These conditions apply for one year from the date of these reasons.

General

1. Mr. Arevalo must ensure the following before he can participate in a designated category with any OVA member club:
 - a. The director or co-directors of each OVA member club will be provided with a copy of both my original decision and this supplementary decision;
 - b. The member club must be willing to appoint a staff or executive member to act as a liaison with OVA for the purposes of providing them with information regarding compliance with these temporary conditions (the "Designated Member");
 - c. If the Designated Member changes, the member club must inform Mr. Arevalo and Mr. Arevalo must provide the OVA with the name and contact information of the new Designated Member;

- d. Each Designated Member must be willing to communicate with the OVA and Mr. Arevalo as set out in these reasons;
 - e. Each Designated Member must be willing to sign copies of this decision on temporary conditions and shall provide a signed copy to both Mr. Arevalo and the OVA;
 - f. The appointment of a Designated Member, and the provision of the signed decision on temporary conditions must both occur before Mr. Arevalo can work with any minor athletes in association with that OVA member club.
2. The OVA will appoint one member of its executive or screening committee to communicate with the Designated Members regarding the temporary conditions (the "OVA Designate"). The OVA may change the person acting as the OVA Designate, but there may only be one OVA Designate at a time.
 3. The OVA will notify Mr. Arevalo of the name and contact information for the initial OVA Designate, and Mr. Arevalo will provide that information to the head of each OVA member club where he participates in a designated category.
 4. None of these temporary conditions can be waived by the club or a Designated Member without the written consent of the OVA Designate.
 5. Should Mr. Arevalo wish to start his own club during the term of these temporary conditions, he will need to have either a co-founder or co-director who agrees to act as the Designated Member. This Designated Member must be a member of the OVA.
 6. Mr. Arevalo shall promptly notify all Designated Members and the OVA Designate in the event he is charged with a criminal offence.

Supervision

7. Mr. Arevalo shall have another adult present when interacting with any minor athletes.
8. Mr. Arevalo shall keep a written log of the other adults present at each interaction (the "Written Log"). Where there are multiple other adults present, it is only necessary that he notes the names of two of these adults.
9. The Written Log associated with each OVA club must be made available to the Designated Member for that club upon request at any time. The OVA Designate can request a copy of the Written Log through the Designated Member. Such requests by the OVA Designate should not exceed one per month per member club.

10. If any individual meetings with a minor athlete are required, at least one of the other adults present shall be provided with a copy of my decision and decision on temporary conditions and in order for the meeting to proceed, that adult must be willing to sign off on an Individual Training and Meeting Log. This log must note the date, time, place and duration of the individual meeting, as well as a list of those present.
11. Individual training sessions are subject to the same conditions in the above paragraph.
12. The Designated Member for each club shall be provided with an updated copy of the Individual Training and Meeting Log for that club once a week. In circumstances where there are no updates, Mr. Arevalo shall confirm that in writing to the Designated Member.
13. The OVA Designate can request a copy of the Individual Training and Meeting Log for any OVA member club from the Designated Member. Such requests should not exceed one request per month per member club.

Communication

14. Mr. Arevalo shall not engage in any social media, email or text message exchange with any minor athlete without the written consent of that athlete's parent or guardian. Where such consent is provided:
 - a. The communication will be limited to volleyball related information, including team activities;
 - b. The athlete's parent or guardian shall be copied on any email communication; and
 - c. The content of such communication will be shared with either the athlete's parent or guardian, or the Designated Member, promptly upon request.

Travel

15. Mr. Arevalo will adhere to the travel policy of any club to which he is affiliated.
16. If Mr. Arevalo travels with any athletes, and travel includes local transportation, he will be accompanied by another adult who will be provided with a copy of the decision and the decision on temporary conditions before the travel commences. In order for Mr. Arevalo to be able to travel with minor athletes, the other travelling adult must be willing to sign a Travel Log noting the trip itinerary for each day of the trip. The Travel Log will be provided by Mr. Arevalo to the OVA Designate upon request, such request not to exceed one request per month.

17. Mr. Arevalo will keep his lodging arrangements at a reasonable distance from the lodging arrangements of the minor athletes, and his lodging location will be noted in the Travel Log.
18. While travelling, Mr. Arevalo will have another adult present when interacting with any minor athletes. Mr. Arevalo will also not participate in any meetings in hotel rooms where minor athletes are present, even if another adult is present.

September 10, 2014

A handwritten signature in black ink, appearing to read 'Barbara Carmichael', with a stylized, flowing script.

Barbara Carmichael
Victoria, BC