

KRISTEN WORLEY

Applicant

v

**ONTARIO CYCLING ASSOCIATION, CYCLING CANADA CYCLISME,
UNION CYCLISTE INTERNATIONALE**

Respondents

MINUTES OF SETTLEMENT

WHEREAS the Applicant, Kristen Worley, commenced an application in the Ontario Human Rights Tribunal having file number 2015-21367-I naming Ontario Cycling Association (“OCA”), Cycling Canada Cyclisme (“CC”), Union Cycliste Internationale, and the International Olympic Committee (the “**Application**”);

AND WHEREAS the OCA and CC has responded to the Application denying any breach of the *Human Rights Code*;

AND WHEREAS on November 30, 2015 the Applicant sought an order to add the World Anti-Doping Authority as a respondent to the Application;

AND WHEREAS on July 20, 2016 the Application was dismissed against the International Olympic Committee and the Applicant’s request to add World Anti-Doping Authority was denied;

AND WHEREAS OCA, CC, and Kristen Worley have agreed to settle the Application and any issues arising from the Application or that were or could have been raised in the Application, on a full and final basis;

THE PARTIES AGREE as follows in full and final satisfaction of the Application:

1. The parties recognize that the administrative bodies with responsibility for the matters, including policies and guidelines, raised by the Applicant’s application are the International Olympic Committee (“IOC”) and the World Anti-Doping Agency (“WADA”), neither of which are parties to the Application. However, OCA and CC has heard from the Applicant regarding the impact of the policies and procedures of the IOC and WADA on her physical and mental well-being.
2. Consequently, OCA and CC are prepared, in good faith, to advance the following principles in an advocacy message including:

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- a. the establishment of standards and guidelines related to XY female athletes that are based in objective scientific research, from available sources, including those outside the organization; and
 - b. the TUE applications should be applied as an individualized assessment conducted by medical personnel with subject-matter expertise; and
 - c. the timeframes for the review of any TUE application, as well as any testing required during the life of the TUE, should be consistent amongst athletes applying for and / or granted TUEs for exogenous androgens, subject to any unique medical circumstances.
3. OCA / CC undertake to solicit the CCES, COC, Sport Canada, Commonwealth Games Federation and Canadian Minister of Sport in respect of advancing the themes and principles of its advocacy message. In particular, the OCA / CC will encourage the aforementioned bodies to advance the advocacy message directly to WADA and the IOC. The OCA and CC counsel shall provide confirmation to the Applicant's counsel of the OCA and the CC's activities in soliciting the CCES, COC, Sport Canada, Commonwealth Games, and Canadian Minister of Sport.
 4. OCA / CC will encourage the CCES, COC, Sport Canada, Commonwealth Games and Canadian Minister of Sport to promote the review by the IOC of the IOC's current transgender guidelines. Further the OCA and CC undertake to provide new scientific or medical information that is provided to them to the CCES and Canadian Minister of Sport that may inform a review of the current IOC's transgender guidelines. The guidelines are a living document and the eligibility guidelines for those who transition from male to female and compete in the female category should be reviewed in light of any scientific or medical developments.
 5. The parties explicitly recognize that OCA and CC cannot control the outcome of the policies adopted by the IOC and WADA, and that the undertaking by the OCA and CC is limited to advancing the positions set out in paragraph 2 above to IOC and WADA.
 6. The parties agree that the adoption of any particular policies, guidelines, rules, or processes regarding XY female athletes with a transitioned history, transgender athletes, gender verification, exogenous androgens, or TUEs by IOC or WADA or any other governing bodies shall not constitute a breach of this Agreement.
 7. The parties agree to issue a joint statement and publish on their websites the advocacy principles and the joint statement in the form attached as Schedule "A" to these Minutes of Settlement. Any statements, by any party, shall be made in a manner consistent and limited to the content and approach of the joint statement.
 8. OCA / CC undertake a program directed at education awareness of inclusion principles to Canadian cycling community, particularly coaches, officials, and event organizers. The CCC would like to invite the Applicant to be a panelist at its next congress in October 2017 on diversity and inclusion for all participants. The OCA would like to invite the

Applicant to participate as a speaker or a panelist at its next Congress on diversity and inclusion for all participants.

9. OCA undertakes to review and revise its Code of Conduct and Ethics to ensure that it complies with the Ontario *Human Rights Code*. In particular, the Code of Conduct and Ethics shall include all protected grounds under the Ontario *Human Rights Code*, including gender identity and gender expression at paragraph 7. The OCA further undertakes to review and revise its Discipline and Complaints procedure to reflect that complaints will be investigated, and that investigations will be appropriate in the circumstances.
10. The OCA shall post on its website its revised policies and provide training in coordination with CC to its coaches, officials, staff, and make available training to its volunteers, and event organizers concerning its revised policies.
11. The OCA and CC agree to complete their obligations in paragraphs 8, 9, and 10 on or before December 1, 2017 and advise Applicant's counsel upon completion.
12. The parties acknowledge that the advocacy efforts of the OCA and CC identified in paragraphs 2, 3, and 4 above may not result in positive change by WADA and the IOC.
13. The Applicant signs a full and final release in favour of OCA and CC in a form attached hereto as Schedule "B" to these Minutes of Settlement.
14. The Applicant will not disparage or comment in an adverse fashion on the current OCA, CC or their current officers, directors, employees, or volunteers.
15. The Applicant signs a Form 25, attached as Schedule "C" to these Minutes of Settlement.
16. Nothing in these Minutes of Settlement constitute an admission of liability or wrongdoing by any the OCA or CC, or a withdrawal of the Applicant's allegations.
17. The parties agree that these Minutes of Settlement constitute a full and final settlement of all issues that were raised or could have been raised in the Application and constitute the entire agreement between the parties.
18. The Minutes of Settlement are entered into by OCA and CC without prejudice to their position in any other matter, save for the terms set out herein.
19. The parties agree and acknowledge that they have had the opportunity to receive independent legal advice in respect of these Minutes of Settlement and they execute these Minutes of Settlement freely, voluntarily, and without duress.
20. These Minutes of Settlement shall be binding on the parties hereto and their respective heirs, executors, administrators, members, advisors, volunteers, contractors, directors, employees, successors, and assigns.

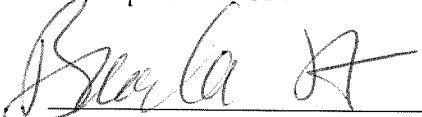
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21. These Minutes of Settlement shall be governed by, construed, and enforced in accordance with the laws of the Province of Ontario.

Dates at Toronto, Ontario this 5th day of July, 2017

SIGNED AND WITNESSED

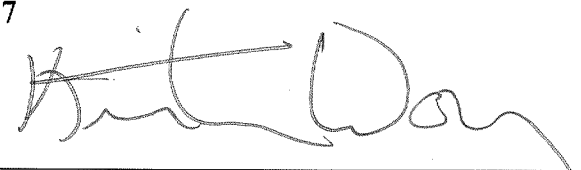
in the presence of :



Witness Signature

Print Name:

Brenda Culbert

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KRISTEN WORLEY

DATED: July 5th, 2017

ONTARIO CYCLING ASSOCIATION

Per: 

Name: ~~SPORT MANAGER~~ GREG RAWSON

Title: SPORT MANAGER

I have authority to bind the Association

DATED: July 5th, 2017

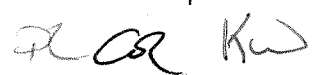
CYCLING CANADA CYCLISME

Per: 

Name: PIERRE LAFONTAINE

Title: CEO

I have authority to bind the Association



SCHEDULE "A"

OCA/CC/WORLEY - JOINT STATEMENT

Increasingly, national and provincial sporting organizations in Canada encounter challenges related to XY female athletes' participating in sport. On June 30, 2015, Kristen Worley, an XY female athlete commenced an application in the Human Rights Tribunal of Ontario which brought attention to challenges faced by XY female athletes participating in sport. Ms. Worley has been a leader in her efforts to raise awareness and education in human rights in Canadian and international sport.

The Ontario Cycling Association, and Cycling Canada recognize that inclusive environments promote equality and safe sport. While these challenges are evolving, in conjunction with Ms. Worley the Ontario Cycling Association and Cycling Canada support the following advocacy initiatives:

1. the establishment of standards and guidelines related to XY female athletes that are based in objective scientific research, from available sources, including those outside the organization; and
2. the TUE applications should be applied as an individualized assessment conducted by medical personnel with subject-matter expertise; and
3. the timeframes for the review of any TUE application, as well as any testing required during the life of the TUE, should be consistent amongst athletes applying for and / or granted TUEs for exogenous androgens, subject to any unique medical circumstances.

The Ontario Cycling Association, Cycling Canada, and Ms. Worley recognize the importance of advancing these advocacy initiatives at home and abroad and are committed to promoting inclusive environments in cycling. As a result, the OCA and CC are reviewing and revising their internal policies to embrace human rights and are embarking on a program of awareness and education related to diversity and inclusion of all participants.

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