

CANADA SOCCER
Additional Notes on the Executive Summary

Confidentiality

Canada Soccer pledged to publicly share the results of this external and independent review. In doing so, we are trying to demonstrate our continued commitment to transparency and appropriate communications with the Canadian public.

Canada Soccer decided to share the executive summary of the report from Matthews, Dinsdale, & Clark LLP in a redacted form, along with this additional note. We made this decision to strike the best possible balance of transparently disclosing as much information as possible with our legal and ethical responsibility to maintain confidentiality of personal identities, especially in the context of a human resources investigation.

Those who participated in the investigation did so knowing they were required to speak without anonymity to the investigator. This decision was made by the investigator, and supported by Canada Soccer, because it would help ensure the credibility of information being provided in the investigation.

Participants were also provided with assurance that their identity would not be disclosed to the public by Canada Soccer. In making this decision, Canada Soccer considered human resources privacy laws and the basic appropriateness of maintaining confidentiality in instances where individuals who were not in leadership positions came forward to share information.

Investigation Process

Sonia Regenbogen of Mathews, Dinsdale & Clark, LLP conducted the investigation following the process below, as described directly from her report.

1. *Canada Soccer stated publicly that if any individual wished to share information in connection with the Investigation, they could contact me directly.*
2. *I identified a number of individuals that I believed may have information in connection with the Paris Olympics Drone Incident and I proceeded to contact those individuals to request that they participate in interviews for the Investigation.*
3. *In addition, several individuals contacted me directly to express an interest in participating in the Investigation.*
4. *I received one email from an anonymous email address in which information was provided anonymously. I contacted the sender of the email to ask follow up questions but did not receive a response.*

5. *As part of the investigative process each of the individuals interviewed was asked to verbally confirm an undertaking that he/she/they would not discuss the subject matter of the Investigation until the conclusion of the Investigation so as to maintain the integrity of my review. I did not require witnesses to execute a non-disclosure agreement. Each individual interviewed verbally confirmed this confidentiality undertaking.*

6. *In addition, each of the individuals interviewed was advised that if he/she/they provided information in their interview that I deemed to be material to the Investigation, I would include this information in the Report. Individuals were advised that if they participated in the Investigation, their name would be included in the Report. Individuals were advised that if they agreed to participate in the Investigation and provided information to me, that they must do so on the basis that the Investigation would not consider, and the Report would not include, information provided on an anonymous or “no names” basis.*

7. *Individuals who participated in the Investigation and expressed a concern with the possibility that their identity would be disclosed publicly were advised to contact Canada Soccer to share this concern. I advised individuals who participated in the Investigation that my mandate was to provide a Report to the Board of Directors of Canada Soccer and that Canada Soccer would determine what information it would share publicly at the conclusion of the Investigation.*

John Herdman

After Ms. Regenbogen was contacted by Mr. Herdman’s legal counsel, he was invited through his counsel to be interviewed for the investigation. Due to scheduling issues, the parties were not able to reach a mutually agreed time to meet.

Canada Soccer has initiated a proceeding with respect to Mr. Herdman under its Disciplinary Code. Given this, Mr. Herdman and Canada Soccer may engage further regarding this matter.

Copa América

There are three references in the Executive Summary to a drone incident at the Copa América tournament in June 2024. There are several paragraphs in the full report that discuss this matter. A summary of the report’s contents as it relates to this issue is as follows:

The Men's National Team was in Orlando, Florida for a portion of the tournament. Documentation from a CONMEBOL disciplinary process alleged that a member of the staff used a drone to inappropriately film a training session at the ESPN Wide World of Sports Complex. Documentation of the incident explained that the drone was caught by detection software and an official from the complex required that the drone be brought down. Security reviewed the drone and found that it did not contain any footage. Documentation submitted during the CONMEBOL discipline process by the Men’s National Team argued that the staff member was filming an empty pitch for the purposes of a motivational and promotional video and did not inappropriately film a training session.

The matter was adjudicated by CONMEBOL during Copa America. CONMEBOL eventually revoked the accreditation of the involved individual and issued Canada Soccer a fine.

Seven interviews were conducted and other evidence was reviewed during the investigation in regards to this incident. The investigator concluded that surreptitious surveillance did not occur and that this incident was very different from what occurred at the Olympics.

The investigator's conclusions are included below, copied directly from the report.

500. I note that the materials provided by Blue and Canada Soccer regarding ██████ conduct at the Copa America, included an Appendix 14, stated that on June 29, 2024, the CONMEBOL Competitions and Operations Directorate informed the CONMEBOL Disciplinary Unit of a report from ██████ that ██████ flew a drone over the ESPN Wide World of Sports complex in order to observe the training of the ██████. I understand that this allegation at the tournament was addressed in a disciplinary proceeding on the issue of whether there was a violation of Articles 11.1 and 11.2 of the CONMEBOL Disciplinary Code. I understand that on July 4, 2024 the CONMEBOL Disciplinary Commission in Decision CAO 33-34 held that ██████ accreditation to the tournament was cancelled and imposed a \$3,000 USD fine on Canada Soccer for a violation of Articles 11.1 and 11.2 of the CONMEBOL Disciplinary Code.

501. Based on the evidence presented in the Investigation, considering in particular the evidence of ██████ I find that the use of a drone at the Copa America tournament was very different to the Paris Olympics Drone Incident. I find that at Copa America ██████ sent up a drone at the ESPN Wide World of Sports complex at Walt Disney World Resort, over an empty stadium field, to film the stadium as part of motivational video for the Men's Team, and not to film ██████ practice session. While taking into account the allegations in the CONMEBOL Disciplinary process and the CONMEBOL Disciplinary Commission Decision, in the Investigation the evidence presented by ██████ that he was attempting to film an empty stadium was credible. Further, we have been advised that there was no video footage found on ██████ drone of ██████ practice session, and no direct evidence to suggest that this incident was related to the surreptitious surveillance of ██████ Considering the consistent evidence presented on this incident in the Investigation, I find that ██████ did not use a drone at Copa America to attempt to surreptitiously film the practice session of an opponent.

502. I find that when Marsch became aware of this incident and the use of a drone in the ESPN Disney facility, which was not permitted, Marsch clearly communicated to ██████ and the rest of the coaching staff of the Men's National Team his direction that drone filming for legitimate purposes such as filming the Men's Team's own practice sessions was only to be done where it was allowed and with permission in advance.

503. I find that when Marsch assumed leadership as Head Coach of the Men's National Team, in reaction to anecdotal information he was provided about the practices ██████ had allegedly previously engaged in as Head Coach, Marsch communicated to the coaching staff of the Men's Team that he did not approve the use of any efforts to surreptitiously film the practice sessions of opponents and any such practices would not be permitted. He communicated that any practices that may have existed under ██████ leadership regarding the use of drones were not continuing under his leadership.

504. As a result, I do not accept that ██████ use of a drone at the Copa America Tournament gives rise to an argument that Blue condoned the use of surreptitious surveillance methods on the Men's Team.

Following the Copa America incident and during the Olympics on July 22, 2024, the report describes a message exchange between Marsch and Bev Priestman. During this message exchange, Marsch expresses sympathy for Priestman having to endure the situation, as it is unfolding. In part of the message he writes "*we went through it as well*", referring to the situation at Copa America that was described previously in this document. Priestman thanks him. This message exchange was provided to the investigator by Marsch and is included in the appendix of the report.