

## INVESTIGATIONS POLICY

### Purpose

1. The Organization and its Members are committed to eliminating all instances of Discrimination, Harassment, Workplace Harassment, Workplace Violence, Sexual Harassment, and Maltreatment within their operations and activities. This Policy describes how Individuals can report instances of Discrimination, Harassment, Workplace Harassment, Workplace Violence, Sexual Harassment, and Maltreatment and how the Organization will lead the investigation of those reports.

### Determination and Disclosure

2. When a complaint is submitted pursuant to the *Discipline and Complaints Policy*, the Case Manager will determine if such complaint is related to an instance of Discrimination, Harassment, Workplace Harassment, Workplace Violence, Sexual Harassment, or Maltreatment, or any other matter requiring investigation.
3. The Organization and its Members will adhere to all disclosure and reporting responsibilities required by any government entity, local police force, or child protection agency.

### Investigation

4. Complaints that are determined to contain an element of Discrimination, Harassment, Workplace Harassment, Workplace Violence, Sexual Harassment, and Maltreatment, or any other matter deemed relevant by the Case Manager will continue to be addressed by the process(es) described in the *Discipline and Complaints Policy*. However, the Case Manager may also appoint an Investigator to investigate the allegations.
5. The Investigator must be an independent third-party skilled in investigating. The Investigator must not be in a conflict of interest situation and should have no connection to either party.
6. Federal and/or Provincial legislation related to Workplace Harassment may apply to the investigation if Harassment was directed toward a worker in a Workplace. The Investigator should review workplace safety legislation, the organization's policies for human resources, and/or consult independent experts to determine whether legislation applies to the complaint.
7. The investigation may take any form as decided by the Investigator, guided by any applicable Federal and/or Provincial legislation. The investigation may include:
  - a) Interviews with the Complainant
  - b) Witness interviews
  - c) Statement of facts (Complainant's perspective) prepared by Investigator, acknowledged by the Complainant and provided to the Respondent
  - d) Interviews with the Respondent
  - e) Statement of facts (Respondent's perspective) prepared by Investigator, acknowledged by the Respondent and provided to the Complainant

### **Investigator's Report**

8. Upon completion of their investigation, the Investigator shall prepare a report that should include a summary of evidence from the parties (including both statements of facts, if applicable) and recommendations from the Investigator of whether, on a balance of probabilities, an incident occurred that could be considered Discrimination, Harassment, Workplace Harassment, Workplace Violence, Sexual Harassment, or Maltreatment, or breach of a governing document, including, but not limited to the *Code of Conduct and Ethics*.
9. The Investigator's report will be provided to the Case Manager who will disclose it, at their discretion, to the Organization or the Member (as applicable) and others.
10. Should the Investigator find that there are possible instances of offence under the *Criminal Code*, particularly related to Criminal Harassment (or Stalking), Uttering Threats, Assault, Sexual Interference, or Sexual Exploitation, the Investigator shall advise the Complainant and the Organization or the Member (as applicable) to refer the matter to police.
11. The Investigator must also inform the Organization or the Member (as applicable) of any findings of criminal activity. The Organization or the Member (as applicable) may decide whether to report such findings to police but is required to inform police if there are findings related to the trafficking of prohibited substances or methods (as indicated in the version of the World Anti-Doping Agency's Prohibited List currently in force), any sexual crime involving Minors, fraud against the Organization or any Member(s) (as applicable), or other offences where the lack of reporting would bring the Organization or the Member (as applicable) into disrepute.

### **Reprisal and Retaliation**

12. An Individual who submits a complaint to the Organization or to a Member or who gives evidence in an investigation may not be subject to reprisal or retaliation from any individual or group. Any such conduct may constitute Maltreatment and will be subject to disciplinary proceedings pursuant to the *Discipline and Complaints Policy*.

### **False Allegations**

13. An Individual who submits allegations that the Investigator determines to be malicious, false or for the purpose of retribution, retaliation or vengeance (or that otherwise fall within the definition of Maltreatment) may be subject to a complaint under the terms of the *Discipline and Complaints Policy* and may be required to pay for the costs of any investigation that comes to this conclusion. Any Individual who is liable to pay for such costs shall be automatically deemed to be not in good standing until the costs are paid in full. The Organization or any Member(s) (as applicable), or the Individual against whom the allegations were submitted, may act as the Complainant.

### **Confidentiality**

14. The Investigator will make every effort to preserve the confidentiality of the complainant, respondent, and any other party. However, the Organization and its Members recognize that maintaining anonymity of any party may be difficult for the Investigator during the investigation.

Approved	<b>July 18, 2023</b>
Next Review Date	
Revision Approval Dates	