



<b>CATEGORY: 3.0 Governance and Leadership</b>			
<b>SECTION: 3.2 Abuse, Investigations, Screening and Protection</b>			
<b>POLICY: 3.2.2 Investigations Policy – Discrimination, Harassment and Abuse</b>	<b>APPROVED: April 2020</b>	<b>REVIEW DATE:</b>	<b>PAGES: 3</b>

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**DEFINITIONS**

1. The following terms have these meanings in this Policy:
  - a) “*Case Manager*” – An individual or individuals appointed by the Executive Director (or designate) to be the first point-of-contact for all discipline and complaint matters reported to the CCPSA, per the Discipline and Complaints Policy.
  - b) “*Individuals*” – All categories of membership defined in the CCPSA bylaws, as well as all individuals employed by, or engaged in activities with, the CCPSA including, but not limited to, volunteers, managers, administrators, committee members, and directors and officers of the CCPSA.
  
2. The following terms have the meanings as defined in the CCPSA *Code of Conduct and Ethics Policy*:
  - a) Harassment
  - b) Discrimination
  - c) Workplace Harassment
  - d) Sexual Harassment
  - e) Workplace Violence
  
3. The following terms have the meanings as defined in the CCPSA *Abuse Policy*:
  - a) Abuse

**PURPOSE**

4. The CCPSA is committed to eliminating all instances of Discrimination, Harassment, Workplace Harassment, Workplace Violence, Sexual Harassment, and Abuse within its operations and activities. This Policy describes



how Individuals can report instances of Discrimination, Harassment, Workplace Harassment, Workplace Violence, Sexual Harassment, and Abuse and how the CCPSA will investigate those reports.

#### **DETERMINATION AND DISCLOSURE**

5. When a complaint is submitted per the CCPSA *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 Abuse.
6. The CCPSA will adhere to all disclosure and reporting responsibilities required by the Minister of Sport and Persons with Disabilities and by any government entity, local police service, or child protection agency.

#### **INVESTIGATION**

7. Complaints that are determined to contain an element of Discrimination, Harassment, Workplace Harassment, Workplace Violence, Sexual Harassment, and Abuse 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.
8. The Investigator may be a representative of the CCPSA or a director or may be an independent third-party skilled in investigating claims of harassment. The Investigator must not be in a conflict of interest situation and should have no connection to either party.
9. 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 and/or consult independent experts to determine whether legislation applies to the complaint.
10. 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) Complainant interviewed
  - b) Witnesses interviewed
  - c) Statement of facts (complainant's perspective) prepared by Investigator and acknowledged by Complainant
  - d) Statement delivered to Respondent
  - e) Respondent interviewed
  - f) Witnesses interviewed
  - g) Statement of facts (respondent's perspective) prepared by Investigator and acknowledged by Respondent

#### **INVESTIGATOR'S REPORT**

11. The Investigator will prepare and submit a Report to the Case Manager.
12. The Investigator's Report should include a summary of evidence from the parties (including both statements of facts, if applicable) and recommendations from the Investigator of whether or not, on a balance of probabilities, an incident occurred that could be considered Discrimination, Harassment, Workplace Harassment, Workplace Violence, Sexual Harassment, Abuse or breach of policy.
13. 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 to refer the matter to police. The Investigator will further inform the CCPSA that the matter should be directed to the police.

14. The Investigator must also inform the CCPSA of any findings of criminal activity. The CCPSA may decide whether to report such findings to police but is required to inform police if there are findings related to the trafficking of doping drugs or materials, any sexual crime involving minors, fraud against the CCPSA, or other offences where the lack of reporting would bring the CCPSA into disrepute.
15. The Case Manager or the Discipline Panel, as applicable, may consider the Investigator's Report, in addition to submissions from the parties, prior to deciding on the complaint.

#### **REPRISAL AND RETALIATION**

16. An individual who submits a complaint to the CCPSA, or who gives evidence in an investigation, may not be subject to reprisal or retaliation from any individual or group. Should anyone who participates in the process face reprisal or retaliation, that individual will have cause to submit a complaint.

#### **FALSE ALLEGATIONS**

17. An individual who submits allegations that the Investigator determines to be false or without merit may be subject to a complaint under the terms of the CCPSA *Discipline and Complaints Policy* with the CCPSA, or the individual against whom the false allegations were submitted, acting as the Complainant.

#### **CONFIDENTIALITY**

18. The Investigator will make every effort to preserve the confidentiality of the complainant, respondent, and any other party. However, the CCPSA recognizes that maintaining anonymity of any party may be difficult for the Investigator during the investigation.