

INVESTIGATIONS POLICY – DISCRIMINATION, HARASSMENT, AND ABUSE

*INDICATES A SECTION THAT HAS BEEN ADAPTED FROM THE UCCMS

Definitions

1. The following terms have these meanings in this Policy:
 - a) “*Organization*” – The Ontario Speed Skating Association
 - b) “*Discipline Chair*” – An individual or individuals appointed to be the first point-of-contact for all discipline and complaint matters reported to the Organization, per the *Discipline and Complaints Policy*
 - c) “*Individuals*” – Individuals employed by, or engaged in activities with, the Organization including, but not limited to, athletes, coaches, coaches, officials, volunteers, managers, administrators, committee members, parents and guardians and spectators at events, and Directors and Officers of the Organization

2. The following terms have the meanings as defined in the Organization’s *Code of Conduct and Ethics*:
 - a) Harassment
 - b) Discrimination
 - c) Workplace Harassment
 - d) Sexual Harassment
 - e) Workplace Violence

3. The following terms have the meanings as defined in the Organization’s *Abuse Policy*:
 - a) Abuse

Purpose

4. The Organization 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 Organization will investigate those reports.

Determination and Disclosure

5. When a complaint is submitted pursuant to the Organization’s *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 Organization will adhere to all disclosure and reporting responsibilities required 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 Discipline Chair may also appoint an Investigator to investigate the allegations.

8. The Investigator may be a representative of the Organization 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) Interviews with the Complainant;
 - 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; and
 - g) Statement of facts (respondent's perspective) prepared by Investigator and acknowledged by Respondent.

Investigator's Report

11. Per timelines determined by the Case Manager, who may modify the timelines as described in the *Discipline and Complaints Policy*, the Investigator will prepare and submit a Report.
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, or Abuse, or a breach of the Organization's governing documents.
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 Organization that the matter should be directed to the police.
14. The Investigator must also inform the Organization of any findings of criminal activity. The Organization 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 Organization, or other offences where the lack of reporting would bring the Organization into disrepute.

Reprisal and Retaliation

15. *An individual who submits a complaint to the Organization, 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

16. An individual who submits allegations that the Investigator determines to be malicious, vexatious, 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 Organization's *Discipline*

and Complaints Policy. The Organization, or the individual against whom the false allegations were submitted, may act as the Complainant.

Confidentiality

17. The information obtained about an incident or complaint (including identifying information about any individuals involved) will remain confidential unless disclosure is necessary for the purpose of investigating or taking corrective action or is otherwise required by law.

18. The Investigator will make every effort to preserve the confidentiality of the complainant, respondent, and any other party. However, the Organization recognizes that maintaining anonymity during an investigation may not be feasible and may request the permission of an individual to disclose their identity.