

INVESTIGATIONS POLICY – DISCRIMINATION, HARASSMENT, AND ABUSE

Definitions

1. The following terms have these meanings in this Policy:
 - a) “*Discipline Chair(s)*” – An individual or individuals appointed by Wheelchair Basketball Canada to assume the responsibilities described in Wheelchair Basketball Canada’s *Discipline and Complaints Policy*
 - b) “*Individuals*” – All categories of membership defined in Wheelchair Basketball Canada’s Bylaws, as well as all individuals employed by, or engaged in activities with, Wheelchair Basketball Canada including, but not limited to, volunteers, managers, administrators, committee members, and Directors and Officers of Wheelchair Basketball Canada
2. The following terms have the meanings as defined in Wheelchair Basketball Canada’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 Wheelchair Basketball Canada’s *Abuse Policy*:

Abuse

Purpose

4. Wheelchair Basketball Canada is committed to eliminating all instances of Discrimination, 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 Wheelchair Basketball Canada will investigate those reports.

Process

5. When a complaint is submitted per Wheelchair Basketball Canada’s *Discipline and Complaints Policy*, the Designated Independent Third Party (ITP) Officer will determine if such complaint is related to an instance of Discrimination, Harassment, Workplace Harassment, Workplace Violence, Sexual Harassment, or Abuse.
6. Wheelchair Basketball Canada will adhere to all disclosure and reporting responsibilities required by the Minister of Sport.

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 Designated Independent Third Party (ITP) Officer may also appoint an Investigator to investigate the allegations.
8. The Investigator may be a Wheelchair Basketball Canada representative or 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 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; and
- g) Statement of facts (respondent's perspective) prepared by Investigator and acknowledged by Respondent.

Investigator's Report

11. Per timelines determined by the Designated Independent Third Party (ITP) Officer, 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.
13. The Investigator's Report will be provided to the parties with the names and identifying details of any witnesses redacted. The provision of the Investigator's Report is conditional on the parties not distributing the Report to any third party without the written permission of Wheelchair Basketball Canada.
14. 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 Wheelchair Basketball Canada that the matter should be directed to the police.
15. The Investigator must also inform Wheelchair Basketball Canada of any findings of criminal activity. Wheelchair Basketball Canada 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 Wheelchair Basketball Canada, or other offences where the lack of reporting would bring Wheelchair Basketball Canada into disrepute.
16. The Discipline Chair or the Discipline Panel, as applicable, may consider the Investigator's Report, in addition to submissions from the parties, prior to making a decision on the complaint.

Reprisal and Retaliation

17. An individual who submits a complaint to Wheelchair Basketball Canada, 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.

Confidentiality

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