



## **INVESTIGATIONS POLICY**

### **DISCRIMINATION, BULLYING, HARASSMENT, VIOLENCE AND ABUSE**

**POLICY STATEMENT:** In its commitment to eliminate all instances of Discrimination, Harassment, Workplace Harassment, Workplace Violence, Sexual Harassment, and Abuse within its operations and activities, Canada Skateboard will investigate all reported incidents of such behaviour.

Policy Name:	Investigation Policy
Policy Family:	Governance
Section:	Board Policies
Approval Authority:	Board of Directors
Responsible Staff:	Executive Director
Implementation Date:	November 2017
Amendment Dates:	June 2020

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#### **Definitions**

1. The following terms have the meanings as defined in the *Code of Conduct and Ethics*:
  - a) Harassment
  - b) Discrimination
  - c) Workplace Harassment
  - d) Sexual Harassment
  - e) Workplace Violence.
2. The following terms have the meanings as defined in the *Abuse Prevention Policy*:
  - a) Abuse
  - b) Affiliated Organization
  - c) Vulnerable Individuals
  - d) Individuals.

#### **Purpose**

4. This Policy describes how Individuals can report instances of Discrimination, Harassment, Workplace Harassment, Workplace Violence, Sexual Harassment, and Abuse and how Canada Skateboard and its Affiliated Organizations will investigate those reports.

#### **Scope and Application**

5. This Policy applies to all Individuals.

#### **Procedure:**

##### **6. Determination and Disclosure**

- a) When a complaint is submitted per 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 Abuse.
- b) Canada Skateboard and its Affiliated Organizations will adhere to all disclosure and reporting responsibilities required by any government entity, local police force, or child protection agency.

## 7. Investigation

- a) 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.
- b) The Investigator may be a representative of Canada Skateboard or an Affiliated Organizations or may 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.
- c) 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.
- d) The investigation may take any form as decided by the Investigator, guided by any applicable Federal and/or Provincial legislation. The investigation may include:
  - i. Complainant interviewed;
  - ii. Witnesses interviewed;
  - iii. Statement of facts (complainant's perspective) prepared by Investigator and acknowledged by Complainant;
  - iv. Statement delivered to Respondent;
  - v. Respondent interviewed;
  - vi. Witnesses interviewed; and
  - vii. Statement of facts (respondent's perspective) prepared by Investigator and acknowledged by Respondent.

## 8. Investigator's Report

- a) The Investigator will prepare and submit a Report which 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 Abuse.
- b) The Investigator's Report will be provided to the Case Manager who will disclose it per their discretion.
- c) 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 Canada Skateboard or the Affiliated Organization (as applicable) that the matter should be directed to the police.
- d) The Investigator must also inform Canada Skateboard or the Affiliated Organization (as applicable) of any findings of criminal activity. Canada Skateboard or the Affiliated Organization (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 doping drugs or materials, any sexual crime involving minors, fraud against Canada Skateboard or the Affiliated Organization (as applicable), or other offences where the lack of reporting would bring Canada Skateboard or the Affiliated Organization (as applicable) into disrepute.
- e) The Case Manager or the Discipline Panel, as applicable, shall consider the Investigator's Report, in addition to submissions from the parties, prior to deciding on the complaint.

## 9. Reprisal and Retaliation

- a) An individual who submits a complaint to Canada Skateboard or an Affiliated Organization (as applicable), 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.

## 10. Fraudulent or Malicious Allegations

- a) 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 *Discipline and Complaints Policy* with Canada Skateboard or an Affiliated Organization (as applicable), or the individual against whom the false allegations were submitted, acting as the Complainant.

**11. Confidentiality**

- a) The Investigator will make every effort to preserve the confidentiality of the complainant, respondent, and any other party. However, Canada Skateboard and its Affiliated Organizations recognize that maintaining anonymity of any party may be difficult for the Investigator during the investigation.