

Policy Name: Investigations Policy – Discrimination, Harassment, Abuse and Maltreatment

Version Date: January 18, 2024

Approval Date: February 26, 2024

Review Date: February 26, 2027



Investigations Policy – Discrimination, Harassment, Abuse and Maltreatment

DEFINITIONS

1. The following terms have these meanings in this Policy:
 - a) “*Discipline Committee*” – The Discipline Committee will be established by the Northern Ontario Curling Association (NOCA). The Discipline Committee can be made up of one to three individuals.
 - b) “*Case Manager*” – Independent third party individual or organization appointed by the Northern Ontario Curling Association to administer certain complaints under the *Discipline and Complaints Policy*. The Case Manager does not need to be a member of or affiliated with the Northern Ontario Curling Association.
 - c) “*Individuals*” – All categories of membership defined in the Northern Ontario Curling Association’s Bylaws, as well as all individuals employed by, or engaged in activities with the Northern Ontario Curling Association including, but not limited to, athletes, coaches, convenors, officials, volunteers, managers, administrators, committee members, Councillors and Officers of the Northern Ontario Curling Association, spectators at events, and parents/guardians of athletes

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

3. The term ‘Abuse’ has the meaning as defined in the Northern Ontario Curling Association’s *Abuse Policy*.

PURPOSE

4. The Northern Ontario Curling Association is committed to eliminating all instances of Discrimination, Harassment, Workplace Harassment, Workplace Violence, Sexual Harassment, Abuse and Maltreatment within its operations and activities. This Policy describes how Individuals can report instances of Discrimination, Harassment, Workplace Harassment, Workplace Violence, Sexual Harassment, Abuse and Maltreatment and how the Northern Ontario Curling Association will investigate those reports.

DETERMINATION AND DISCLOSURE

5. When a complaint is submitted in accordance with the Northern Ontario Curling Association'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, Abuse or Maltreatment.
6. The Northern Ontario Curling Association will adhere to all disclosure and reporting responsibilities required by any government entity, local police force, or child protection agency.

INVESTIGATION

7. Complaints that are determined to contain an element of Discrimination, Harassment, Workplace Harassment, Workplace Violence, Sexual Harassment, Abuse and Maltreatment 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. The Case Manager must advise the Executive Director of the decision to appoint an Investigator.
8. If an Investigator is appointed, the Investigator must 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; and
 - g) Statement of facts (respondent's perspective) prepared by Investigator and acknowledged by Respondent.

INVESTIGATOR'S REPORT

11. In accordance with the timelines determined by 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, Abuse or Maltreatment.
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 the Northern Ontario Curling Association.
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 the Northern Ontario Curling Association that the matter should be directed to the police.
15. The Investigator must also inform the Northern Ontario Curling Association of any findings of criminal activity. The Northern Ontario Curling Association 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 Northern Ontario Curling Association, or other offences where the lack of reporting would bring the Northern Ontario Curling Association's reputation into disrepute.
16. The Discipline Committee, 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.

REPRISAL AND RETALIATION

17. An individual who submits a complaint to the Northern Ontario Curling Association, 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

18. An individual who submits allegations that the Investigator determines to be false or without merit may be subject to a complaint pursuant to the Northern Ontario Curling Association's *Discipline and Complaints Policy*. In such circumstances, the Northern Ontario Curling Association or the individual against whom the false allegations were submitted may act as the Complainant.

CONFIDENTIALITY

19. 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.
20. The Investigator will make every effort to preserve the confidentiality of the complainant, respondent, and any other party. However, the Northern Ontario Curling Association recognizes that maintaining anonymity of any party may be difficult for the Investigator during the investigation.