|  |
| --- |
| CANADIAN BLIND SPORTS ASSOCIATIONINVESTIGATIONS POLICY |
| ***This Policy has been prepared by the Organization and is a Pan-Canadian Policy applicable to the Organization and its Participating Members. This document cannot be modified by a Participating Member without consultation and approval from the Organization.*** |

1. **Purpose**
2. The Canadian Blind Sports Association (the ‘Organization’) and its Participating Members are committed to eliminating all instances of Discrimination, Harassment, Workplace Harassment, Workplace Violence, Sexual Harassment, and Maltreatment within their operations and activities. This Policy describes how the Organization will lead the investigation of the reports that the Case Manager decides should be investigated.
3. **Determination and Disclosure**
4. When a complaint is submitted pursuant to the *Discipline and Complaints Policy*, the Case Manager will determine if the incident should be investigated.
5. The Organization and its Participating Members will adhere to all disclosure and reporting responsibilities required by any government entity, local police force, or child protection agency.
6. **Investigation**
7. The Investigator must 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.
8. 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, the organization’s policies for human resources, and/or consult independent experts to determine whether legislation applies to the complaint.
9. The investigation may take any form as decided by the Investigator, guided by any applicable Federal and/or Provincial legislation. The investigation may include:
10. Interviews with the Complainant
11. Witness interviews
12. Statement of facts (Complainant’s perspective) prepared by Investigator, acknowledged by the Complainant and provided to the Respondent
13. Interviews with the Respondent
14. Statement of facts (Respondent’s perspective) prepared by Investigator, acknowledged by the Respondent and provided to the Complainant
15. **Investigator’s Report**
16. Upon completion of their investigation, the Investigator shall prepare a report that 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 Maltreatment, or breach of a governing document, including, but not limited to the *Code of Conduct and Ethics*.
17. The Investigator must be aware that sport-specific differences exist with respect to such aspects as acceptable levels of touch, physical contact, and aggression during training or competition and will consider such differences during the investigative process.
18. The Investigator’s Report will be provided to the Case Manager who will disclose it, at their discretion, to the Organization and the relevant Participating Members (if applicable).
19. 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 and the Organization or the Participating Member to refer the matter to police.
20. The Investigator must also inform the Organization or the Participating Member (as applicable) of any findings of criminal activity. The Organization or the Participating Member (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 prohibited substances or methods (as indicated in the version of the World Anti-Doping Agency’s Prohibited List currently in force), any sexual crime involving Minors, fraud against the Organization or any Participating Member(s) (as applicable), or other offences where the lack of reporting would bring the Organization or the Participating Member (as applicable) into disrepute.
21. **Reprisal and Retaliation**
22. A Participant 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*.
23. **False Allegations**
24. A Participant who submits allegations that the Investigator determines to be malicious, false 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 *Discipline and Complaints Policy* and may be required to pay for the costs of any investigation that comes to this conclusion. Any Individual who is liable to pay for such costs shall be automatically deemed to be not in good standing until the costs are paid in full. The Organization or any Participating Member(s) (as applicable), or the Individual against whom the allegations were submitted, may act as the Complainant.
25. **Confidentiality**
26. The Investigator will make every effort to preserve the confidentiality of the complainant, respondent, and any other party. However, the Organization and its Participating Members recognize that maintaining anonymity of any party may be difficult for the Investigator during the investigation.

|  |  |
| --- | --- |
| **Policy History** | |
| Approved | **2021 01 21** |
| Next Review Date |  |
| Revision Approval Dates |  |