



St. Albert Gymnastics Club – Investigations Policy – Discrimination, Harassment and Maltreatment

Definitions

1. The following terms have these meanings in this Policy

- a) **Case Manager** – An individual appointed by the Organization to administer this *Discipline and Complaints Policy*. The Case Manager does not need to be a member of, or affiliated with, the Organization
- b) **Complainant** – An Individual or observer who makes a report of an incident, or a suspected incident, of Maltreatment or other behaviour that is a violation of the standards described in the *Code of Conduct and Ethics*
- c) **Discrimination** – As defined in the *Code of Conduct and Ethics*
- d) **Harassment** – As defined in the *Code of Conduct and Ethics*
- e) **Individuals** – Refers to all categories of members and/or registrants defined in the Bylaws of the Organization who are subject to the policies of the Organization, as well as all people employed by, contracted by, or engaged in activities with the Organization including, but not limited to, employees, contractors, Athletes, coaches, instructors, officials, volunteers, managers, administrators, committee members, parents or guardians, spectators, and Directors and Officers
- f) **Maltreatment** – As defined in the *Code of Conduct and Ethics*
- g) **Minor** – Any Individual who is under the age of majority at the time and in the jurisdiction where the alleged Maltreatment has occurred. Adults are responsible for knowing the age of majority and the age of the individual
- h) **Respondent** – The Party responding to a complaint
- i) **Sexual Harassment** – As defined in the *Code of Conduct and Ethics*
- j) **Workplace** – Any place where business or work-related activities are conducted. Workplaces include, but are not limited to, the office of the Organization, work-related social functions, work assignments outside offices, work-related travel, the training and competition environment, and work-related conferences or training sessions
- k) **Workplace Harassment** – As defined in the *Code of Conduct and Ethics*
- l) **Workplace Violence** – As defined in the *Code of Conduct and Ethics*

Purpose

2. The Organization is committed to eliminating all instances of Discrimination, Harassment, Workplace Harassment, Workplace Violence, Sexual Harassment, and Maltreatment within its operations and activities. This Policy describes how reports of Discrimination, Harassment, Workplace Harassment, Workplace Violence, Sexual Harassment, and Maltreatment will be investigated.

Determination and Disclosure

3. When a complaint is submitted pursuant to 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



Maltreatment, or any other matter requiring investigation.

4. The Organization will adhere to all disclosure and reporting responsibilities required by any government entity, local police force, or child protection agency.

Investigation

5. Complaints that are determined to contain an element of Discrimination, Harassment, Workplace Harassment, Workplace Violence, Sexual Harassment, and Maltreatment, or any other matter deemed relevant by the Case Manager 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.
6. 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.
7. 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.
8. The investigation may take any form as decided by the Investigator, guided by any applicable Federal and/or Provincial/Territorial legislation. The investigation may include:
 - a) Interviews with the Complainant
 - b) Witness interviews
 - c) Statement of facts (Complainant's perspective) prepared by Investigator, acknowledged by the Complainant and provided to the Respondent
 - d) Interviews with the Respondent
 - e) Statement of facts (Respondent's perspective) prepared by Investigator, acknowledged by the Respondent and provided to the Complainant

Investigator's Report

9. 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*.
10. The Investigator's Report will be provided to the Case Manager who will disclose it, at their discretion, to the Organization.
11. 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 to refer the matter to police.

12. 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 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 other offences where the lack of reporting would bring the Organization into disrepute.

Reprisal and Retaliation

13. An Individual who submits a complaint to the Organization or who gives evidence in an investigation may not be subject to reprisal or retaliation. Any such conduct may constitute Maltreatment and will be subject to disciplinary proceedings pursuant to the *Discipline and Complaints Policy*.

False Allegations

14. An Individual 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. The Organization or the Individual against whom the allegations were submitted, may act as the Complainant.

Confidentiality

15. The Investigator will make every effort to preserve the confidentiality of the Complainant, Respondent, and any other party. However, the Organization and its Members recognize that maintaining anonymity of any party may be difficult for the Investigator during the investigation.