



## INVESTIGATIONS POLICY – DISCRIMINATION, HARASSMENT, AND ABUSE

### Definitions

1. The following terms have these meanings in this Policy:
  - a) “*Discipline Chair*” – An individual or individuals appointed by the President or CEO of Softball Canada to make determinations regarding discipline and complaint matters reported to Softball Canada in accordance with the *Discipline and Complaints Policy*
  - b) “Case Manager” – An individual appointed by the Chief Executive Officer to receive and administer certain complaints under the *Discipline and Complaints Policy*. The Case Manager does not need to be a member of, or affiliated with Softball Canada
  - c) “*Individuals*” – All categories of membership defined in Softball Canada’s Bylaws, as well as all individuals employed by, or engaged in activities with Softball Canada including, but not limited to, volunteers, managers, administrators, committee members, and Directors and Officers of Softball Canada
  
2. The following terms have the meanings as defined in the Softball Canada’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 Softball Canada’s *Abuse Policy*.

### Purpose

4. Softball Canada is committed to eliminating all instances of Discrimination, Harassment, Workplace Harassment, Workplace Violence, Sexual 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 Softball Canada will investigate those reports.

### Determination and Disclosure

5. When a complaint is submitted in accordance with Softball Canada’s *Discipline and Complaints Policy*, the Discipline Chair will determine if such complaint is related to an instance of Discrimination, Harassment, Workplace Harassment, Workplace Violence, Sexual Harassment, or Abuse.
  
6. Softball Canada will adhere to all disclosure and reporting responsibilities required by the Minister of Sport and Persons with Disabilities and, if applicable, any government entity, local police force, or child protection agency.

### Investigation

Approved September, 2019.



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 Discipline Chair or Case Manager may also appoint an Investigator to investigate the allegations.
8. 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 the Discipline Chair or 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, 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 Softball 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 Softball Canada that the matter should be directed to the police.

15. The Investigator must also inform Softball Canada of any findings of criminal activity. Softball 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 Softball Canada, or other offences where the lack of reporting would bring Softball Canada's reputation into disrepute.
16. The Discipline Chair, 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 Softball 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.

### **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 Softball Canada's *Discipline and Complaints Policy*. In such circumstances, Softball Canada 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.

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