



INVESTIGATIONS POLICY

* Indicates a section that has been adapted from the UCCMS

Determination and Disclosure

1. When a complaint is submitted in accordance with Softball Canada's *Discipline and Complaints Policy*, the Case Manager will determine if such complaint should be investigated.
2. Softball Canada will adhere to all disclosure and reporting responsibilities required by the Government of Canada and, if applicable, any government entity, local police force, or child protection agency.

Investigation

3. Complaints that are investigated 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.
4. 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.
5. 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.
6. 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

7. In accordance with the timelines determined by the Case Manager, who may modify the timelines as described in the *Discipline and Complaints Policy*, the Investigator will prepare and submit a Report.

8. 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, a breach of the *Code of Conduct and Ethics* occurred.
9. *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.
10. The Investigator's Report will be provided to the Case Manager who will disclose it, at their discretion, to Softball Canada and/or the Discipline Panel or Discipline Chair (as applicable) or any other third party. A summary of the report may be provided to the parties. .
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 to refer the matter to police. The Investigator will further inform Softball Canada that the matter should be directed to the police.
12. 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.
13. 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

14. *A Participant 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. Any such conduct may constitute Maltreatment and will be subject to disciplinary proceedings pursuant to the *Discipline and Complaints Policy*.

False Allegations

15. An individual who submits allegations that the Investigator determines to be false or without merit may be subject to a complaint pursuant to the *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

16. 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.
17. 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.