



**SPEED
SKATING
BC**

Policy:

Investigations Policy

Board approved: April 2024

Member Ratified: Date



Rationnel for New Policy:

- New policy
 - This policy is included in the club safe sport suite
 - Purpose is to provide clarity when an investigation is needed. It will allow for continuity through investigations that may be handled by different parties.
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Instructions to Reader:

Additions are marked in **Red Text**

Deletions are marked by ~~Strikeout text~~



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Investigations Policy

Purpose

1. The purpose of this Policy is to address how investigations will be conducted when necessary and as determined pursuant to the Complaints and Discipline Policy.
2. Investigations shall only be conducted when deemed appropriate by the Independent Third Party under the Complaints and Discipline Policy.

Investigation


3. The Independent Third Party shall, in consultation with SSBC, appoint the investigator, taking into consideration the financial resources of SSBC.
4. The investigator must be an independent third-party with training or investigation experience. 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 or Workplace Violence may apply to the investigation if Harassment/Violence 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 Reported 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. Interviews with the Complainant(s);
 - b. Witness interviews; and
 - c. Interviews with the Respondent(s).

Investigator's Report

7. Upon completion of their investigation, the investigator shall prepare a report that includes a summary of evidence from the Parties and any witnesses interviewed. The report shall include an executive summary, which SSBC may share separately from the full report with the Parties.
8. The investigator's report shall contain a non-binding opinion regarding whether an allegation (or, where there are several allegations, which allegations) should be heard by a discipline panel pursuant to the Complaints and Discipline Policy because they constitute a likely breach of the Code of Conduct, the Social Media Policy, the Individual

Protection Policy, or any other relevant and applicable SSBC policy, or whether the allegation(s) are frivolous, vexatious or made in bad faith. The investigator may also make non-binding recommendations regarding the appropriate next steps (i.e., mediation, disciplinary procedures, further review or investigation).

9. Where necessary to protect the identity of any person that participated in the investigation, the investigator may redact names and anonymize any witness testimony that may result in the identification of the individual.
10. The investigator's report will be provided to the Independent Third Party who will disclose it to SSBC, which may disclose, at its discretion, either the full report or only the executive summary to the Parties. If necessary, and at the discretion of the Independent Third Party, other relevant Parties may be provided with an executive summary of the investigator's findings. As required, SSC and/or SSBC shall be provided with a copy of the investigator's full report if the investigation has been conducted under the authority of SSBC; however, SSC and/or SSBC, as applicable, shall not disclose the report to any third party without SSBC's express written consent.
11. The investigator's report shall be used for the purposes described in this Policy.
12. The investigation report and any executive summary shall remain confidential once disclosed to SSBC, SSC and/or SSBC, the Complainant and Respondent or any other relevant party. Any failure to respect this provision may be subject to a complaint and disciplinary measures being taken pursuant to the Complaints and Discipline Policy.
13. 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 SSBC to refer the matter to police.
14. The investigator must also inform SSBC of any findings of criminal activity. SSBC may decide whether to report such findings to police but are required to inform the 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, or any suspected abuse of a Minor, fraud against SSBC, or other offences where the lack of reporting would bring SSBC into disrepute.



Reprisal and Retaliation

15. An Individual who Reports a complaint to the Independent Third Party 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 Prohibited Behaviour and will be subject to disciplinary proceedings pursuant to the Complaints and Discipline Policy.

False Allegations

16. 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 Prohibited Behaviour) may be subject to a complaint under the terms of the Complaints and Discipline Policy. The investigator may recommend to SSBC that the Individual 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 and shall be prohibited from participating in any SSBC Events, activities or business. SSBC, or the Individual against whom the allegations were submitted, may act as the Complainant with respect to making a complaint pursuant to this Section 16.

Confidentiality

17. The investigator will protect confidentiality to the extent possible and shall only share information on a need-to-know basis. However, the investigator may need to share information in order to ensure a fair and impartial process.

Privacy

18. The collection, use and disclosure of any personal information pursuant to this Policy is subject to SSBC's Personal Information Protection Policy.
19. SSBC or any of its delegates pursuant to this Policy (i.e., the Independent Third Party, the investigator), shall comply with SSBC's usual policies and practices regarding private and/or confidential information in the performance of their services under this Policy.
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