



## BASKETBALL NEW BRUNSWICK

### INVESTIGATIONS POLICY – DISCRIMINATION, HARASSMENT, AND ABUSE (Adapted from Canada Basketball)

#### Definitions

1. The following terms have these meanings in this Policy:
  - a) “*Case Manager*” – An individual appointed by Basketball New Brunswick (BNB) to administer certain complaints under this *Discipline and Complaints Policy*. The Case Manager does not need to be a member of, or affiliated with, BNB
2. The following terms have the meanings as defined in BNB’s *Code of Conduct and Ethics*:
  - a) Harassment
  - b) Discrimination
  - c) Workplace Harassment
  - d) Sexual Harassment
  - e) Workplace Violence
3. The following terms have the meanings as defined in BNB’s *Abuse Policy*:
  - a) Abuse

#### Purpose

4. BNB 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 BNB may investigate those reports.

#### Determination and Disclosure

5. When a complaint is submitted per BNB’s *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 Abuse or any other matter requiring investigation.
6. BNB will adhere to all disclosure and reporting responsibilities required by the Minister of Sport and Persons with Disabilities and/or to any government entity, local police service, or child protection agency as required.

#### Investigation

7. Complaints that are determined to contain an element of Discrimination, Harassment, Workplace Harassment, Workplace Violence, Sexual Harassment, and Abuse or any other matter requiring investigation, 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.
8. 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.

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, the organization's policies for human resources, 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. 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, or a breach of the BNB's governing documents.
12. The Investigator's Report will be provided to the Case Manager who will disclose it per their discretion, but at least to Basketball Canada.
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 to refer the matter to police. The Investigator will further inform BNB that the matter should be directed to the police.
14. The Investigator must also inform BNB of any findings of criminal activity. BNB 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 BNB, or other offences where the lack of reporting would bring BNB into disrepute.

### **Reprisal and Retaliation**

15. An individual who submits a complaint to BNB, 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**

16. An individual who submits allegations that the Investigator determines to be false or without merit may be subject to a complaint under the terms of BNB's *Discipline and Complaints Policy* with BNB, or the individual against whom the false allegations were submitted, acting as the Complainant.

**Confidentiality**

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

**Review and Approval**

18. This Policy was reviewed and approved by the BNB Board of Directors on June 4<sup>th</sup>, 2020.