

# INVESTIGATIONS POLICY – DISCRIMINATION, HARASSMENT, ABUSE AND MALTREATMENT

## Purpose

1. The Canadian Lacrosse Association 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, Abuse and Maltreatment and how the Canadian Lacrosse Association will investigate those reports.

## Determination and Disclosure

2. When a complaint is submitted in accordance with the Canadian Lacrosse Association's *Discipline and Complaints Policy*, the Executive Director or Safe Sport Officer, as applicable, will determine if such complaint is related to an instance of Discrimination, Harassment, Workplace Harassment, Workplace Violence, Sexual Harassment, Abuse or Maltreatment.
3. The Canadian Lacrosse Association 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

4. Complaints that are determined to contain an element of Discrimination, Harassment, Workplace Harassment, Workplace Violence, Sexual Harassment, Abuse or Maltreatment will continue to be addressed by the process(es) described in the *Discipline and Complaints Policy*. However, the Executive Director or Safe Sport Officer, as applicable, may also appoint an investigator to investigate the allegations.
5. 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.
6. 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 shall review workplace safety legislation and/or consult independent experts to determine whether legislation applies to the complaint.
7. 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) Statement of facts (Complainant's perspective) prepared by investigator and acknowledged by Complainant;
  - c) Statement delivered to Respondent;
  - d) Respondent interviewed;
  - e) Witnesses interviewed; and
  - f) Statement of facts (Respondent's perspective) prepared by investigator and acknowledged by Respondent.

### **Investigator's Report**

8. 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 the investigator's finding of fact regarding 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*.
9. The investigator's report will be provided to the Safe Sport Officer or Executive Director, as applicable, who will disclose it to the Canadian Lacrosse Association (in the case that the Safe Sport Officer or Executive Director is provided with the report), the Complainant and the Respondent. If necessary, and at the discretion of the Safe Sport Officer, other relevant Parties may be provided with an executive summary of the investigator's findings.
10. Notwithstanding the aforementioned, if the investigator has found that the incident investigated could not be considered Discrimination, Harassment, Workplace Harassment, Workplace Violence, Sexual Harassment, or Maltreatment, or breach of a governing document, such as the *Code of Conduct or Ethics*, the investigator shall only provide the Complainant and the Respondent with an executive summary of their findings. The Canadian Lacrosse Association shall, nevertheless, be provided with the full investigation report.
11. The investigation report and any executive summary shall remain confidential once disclosed to the Canadian Lacrosse Association, 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 *Discipline and Complaints Policy*.
12. 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 the Canadian Lacrosse Association that the matter should be directed to the police.
13. The investigator must also inform the Canadian Lacrosse Association of any findings of criminal activity. The Canadian Lacrosse Association 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 the Canadian Lacrosse Association, or other offences where the lack of reporting would bring the Canadian Lacrosse Association's reputation into disrepute.
14. 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**

15. An individual who submits a complaint to the Canadian Lacrosse Association, 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 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*. The investigator may recommend to the Canadian Lacrosse Association 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 Canadian Lacrosse Association Events, activities or business. The Canadian Lacrosse Association 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 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.

18. The investigator will make every effort to preserve the confidentiality of the Complainant, Respondent, and any other Party's identity. However, the Canadian Lacrosse Association recognizes that maintaining confidentiality of the identity of any Party may be difficult for the investigator during the investigation.