

## **INVESTIGATIONS POLICY (New)**

### **1. Purpose**

- 1.1. BC Diving is committed to eliminating all instances of Discrimination, Harassment, Maltreatment, and Abuse within its operations and activities. This Policy describes how Participants can report instances of Abuse, Maltreatment, Discrimination, Harassment, Workplace Harassment, and Workplace Violence, and how BC Diving will investigate those reports.

### **2. Process**

- 2.1. When a complaint is submitted per BC Diving's *Conduct Policy with Disciplinary Procedures*, the Independent Third Party Officer will determine if such complaint should be investigated.
- 2.2. In the event that BC Diving receives an allegation that it deems is of provincial or sport-wide importance, detrimental to the sport of diving in British Columbia or the reputation of BC Diving, or harmful to the physical, mental or emotional health and safety of Participants, then BC Diving is entitled to undertake an investigation of the surrounding circumstances as deemed necessary or advisable.
- 2.3. BC Diving will adhere to all disclosure and reporting responsibilities required by the Minister of Sport and Persons with Disabilities.

### **3. Investigation**

- 3.1. The Executive Direction (or designate) or Independent Third Party Officer will appoint an Investigator who will be an independent third party. 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.
- 3.2. 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.
- 3.3. The investigation may take any form as decided by the Investigator, guided by applicable Federal and/or Provincial legislation when applicable. The investigation may include:
  - 3.3.1. Complainant interviewed;
  - 3.3.2. Witnesses interviewed;
  - 3.3.3. Statement of facts (complainant's perspective) prepared by Investigator and acknowledged by Complainant;
  - 3.3.4. Statement delivered to Respondent ;
  - 3.3.5. Respondent interviewed;
  - 3.3.6. Witnesses interviewed; and



3.3.7. Statement of facts (respondent's perspective) prepared by Investigator and acknowledged by Respondent.

#### **4. Investigator's Report**

- 4.1. Per timelines determined by the Executive Director or Independent Officer, who may modify the timelines as described in the *Conduct Policy with Disciplinary Procedures*, the Investigator will prepare and submit a Report.
- 4.2. 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 Conduct Policy occurred.
- 4.3. 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.
- 4.4. The Investigator's Report may be provided to the parties and the names and identifying details of any witnesses may be redacted or excluded. 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 BC Diving.
- 4.5. 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 BC Diving that the matter should be directed to the police.
- 4.6. The Investigator must also inform BC Diving of any findings of criminal activity. BC Diving 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 BC Diving, or other offences where the lack of reporting would bring BC Diving into disrepute.
- 4.7. The Discipline Panel may consider the Investigator's Report, in addition to submissions from the parties, prior to making a decision on the complaint.

#### **5. Reprisal and Retaliation**

- 5.1. Any retaliation against a Participant for submitting a complaint to BC Diving, or for giving evidence to an Investigator or to a Discipline Committee, will constitute Maltreatment



and will be subject to disciplinary proceedings pursuant to the *Conduct Policy with Disciplinary Procedures*.

## **6. False Allegations**

6.1 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 *Conduct Policy with Disciplinary Procedures* and may 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. BC Diving, or the individual against whom the allegations were submitted, may act as the Complainant.

## **7. Confidentiality**

- 7.1. 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.
- 7.2. The Investigator will make every effort to preserve the confidentiality of the complainant, respondent, and any other party. However, BC Diving recognizes that maintaining anonymity of any party may be difficult for the Investigator during the course of the investigation.