

Investigations Policy

1) The Organization refers to: Triathlon Ontario

2) Definitions

a) The following terms have these meanings in this Policy:

“Individuals” – All categories of membership defined in the Organization’s Bylaws, as well as all individuals employed by, or engaged in activities with, the Organization including, but not limited to, volunteers, managers, administrators, committee members, and Directors and Officers of the Organization.

3) Purpose

The Organization is committed to eliminating all instances of Discrimination, Harassment, Workplace Harassment, Workplace Violence, or Sexual Harassment as recognized by applicable legislation within its operations and activities. This Policy describes how Individuals can make complaints regarding instances of such conduct and how the Organization will investigate those complaints.

4) Determination and Disclosure

a) When a complaint is submitted per the Organization’s *Discipline and Complaints Policy*, the individual handling the complaint will evaluate the complaint for potential complaints of Discrimination, Harassment, Workplace Harassment, Workplace Violence, or Sexual Harassment.

b) The Organization will adhere to all disclosure and reporting responsibilities required by any applicable legislation, government entity, local police force, or child protection agency.

5) Investigation and Findings

a) Complaints that are determined to contain an element of Discrimination, Harassment, Workplace Harassment, Workplace Violence, or Sexual Harassment will continue to be addressed by the process(es) described in the *Discipline and Complaints Policy*. Where required by law or otherwise determined appropriate by the Organization, an Investigator will be appointed to investigate the allegations.

b) The Investigator must be independent, not be in a conflict-of-interest situation and have no bias in favour of any party. The Organization may where appropriate (as determined in its sole discretion) elect to have an external third party conduct the investigation.

(c) The Organization will comply with any applicable legislation that impacts its obligations to respond to a complaint, duty to investigate, and any subsequent obligations.

(d) The investigation may take any form as decided by the Investigator, guided by any applicable legal requirements. The investigation may include speaking with the complainant and respondent and any relevant witnesses and reviewing relevant documents and materials.

(e) The Investigator may prepare and submit a Report subject to any legal requirements.

(f) The Organization will comply with all legal obligations to inform the parties of the findings of the investigation.

(g) 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 matter may involve the police. The Investigator will further inform the Organization that the matter involves the police.

(h) The Investigator must also inform the Organization of any findings of possible instances of criminal activity. The Organization may decide whether to report such findings to police but is required to inform police if there are findings related to possible instances of: the trafficking of doping drugs or materials; any sexual crime involving minors; fraud against the Organization; or other offences where the lack of reporting would bring the Organization into disrepute.

(i) The Organization will take appropriate corrective action in response to the findings of an investigation. The individual or panel that is making a decision on the complaint shall consider any information or documents it deems necessary to determine appropriate corrective action.

6) Reprisal and Retaliation

An individual who submits a complaint to the Organization, 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.

7) False Allegations

An individual who submits allegations that the Investigator determines to be false or without merit may be subject to discipline under the terms of the Organization's *Discipline and Complaints Policy*.

8) Confidentiality

a) 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.

b) Where possible, the Investigator will make every effort to preserve the confidentiality of the complainant, respondent, and any other party. However, the Organization recognizes that maintaining anonymity of any party may not be possible for the Investigator during the investigation and to comply with legal requirements.