

INVESTIGATIONS POLICY – DISCRIMINATION, HARASSMENT, ABUSE AND MALTREATMENT

DEFINITIONS

1. The following terms have these meanings in this Policy:
 - a) “Case Manager” – An individual appointed by Curl PEI to administer certain complaints under the *Discipline and Complaints Policy*. The Case Manager does not need to be a member of, or affiliated with Curl PEI. Where an employee or board member is the subject of the complaint, they cannot serve as Case Manager.
 - b) “*Discipline Committee*” – The Discipline Committee, established by Curl PEI or the Case Manager, will be an individual or individuals appointed by to be the first point-of-contact for all discipline and complaint matters reported to Curl PEI in accordance with the *Investigations Policy*. Where an employee or board member is the subject of the complaint, they cannot serve on the Discipline Committee.
 - c) “*Individuals*” – All participants in Curl PEI’s events including, but not limited to, championships, clinics and programs, and all individuals employed by, or engaged in activities with Curl PEI including, but not limited to, volunteers, managers, administrators, committee members, and Directors and Officers of Curl PEI.

2. The following terms have the meanings as defined in Curl PEI’s *Code of Conduct and Ethics*:
 - a) Harassment
 - b) Discrimination
 - c) Workplace Harassment
 - d) Sexual Harassment
 - e) Workplace Violence

3. The term ‘Abuse’ has the meaning as defined in Curl PEI’s *Abuse Policy*.

PURPOSE

4. Curl PEI 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 and how Curl PEI will investigate those reports.

DETERMINATION AND DISCLOSURE

5. When a complaint is submitted in accordance with Curl PEI’s *Discipline and Complaints Policy*, the Discipline Committee will determine if such complaint is related to an instance of Discrimination, Harassment, Workplace Harassment, Workplace Violence, Sexual Harassment, Abuse or Maltreatment.

6. Curl PEI will adhere to all disclosure and reporting responsibilities required by any government entity, local police force, or child protection agency.

INVESTIGATION

7. Complaints that are determined to contain an element of Discrimination, Harassment, Workplace Harassment, Workplace Violence, Sexual Harassment, Abuse and Maltreatment will continue to be addressed by the process(es) described in the *Discipline and Complaints Policy*. However, the Discipline Committee or Case Manager may also appoint an Investigator to investigate the allegations.
8. If an Investigator is appointed, the Investigator must be an independent third-party. 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 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(s) interview;
 - b) Witness(es) interview;
 - c) Statement of facts (Complainant's perspective) prepared by Investigator and acknowledged by Complainant;
 - d) Complainant's Statement delivered to Respondent;
 - e) Respondent(s) interview;
 - f) Witness(es) interview; and
 - g) Statement of facts (Respondent's perspective) prepared by Investigator and acknowledged by Respondent.

INVESTIGATOR'S REPORT

11. In accordance with the timelines determined by the Discipline Committee or Case Manager, who may modify the timelines as described in the *Discipline and Complaints Policy*, the Investigator will prepare and submit a Report.
12. 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, Abuse or Maltreatment.

13. The Investigator's Report will be provided to the parties with the names and identifying details of any witnesses redacted. 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 Curl PEI.
14. 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 Curl PEI that the matter should be directed to the police.
15. The Investigator must also inform Curl PEI of any findings of criminal activity. Curl PEI is obliged to inform the police of the possible offence under the *Criminal Code*.
16. The Discipline Committee, 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

17. An individual who submits a complaint to Curl PEI, 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 pursuant to Curl PEI's *Discipline and Complaints Policy*.

FALSE ALLEGATIONS

18. An individual who submits allegations that the Investigator determines to be false or without merit may be subject to a complaint pursuant to Curl PEI's *Discipline and Complaints Policy*. In such circumstances, Curl PEI or the individual against whom the false allegations were submitted may act as the Complainant.

CONFIDENTIALITY

19. 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.
20. The Investigator will make every effort to preserve the confidentiality of the complainant, respondent, and any other party. However, Curl PEI recognizes that maintaining anonymity of any party may be difficult for the Investigator during the investigation.