



CANADA BASKETBALL INVESTIGATIONS POLICY

Definitions

1. The following terms have these meanings in this Policy:
 - a) “*Designated Independent Third Party (ITP) Officer*” – An individual appointed by Canada Basketball to serve as an independent third party to receive complaints
2. The following terms have the meanings as defined in Canada Basketball’s *Code of Conduct and Ethics*:
 - a) Harassment
 - b) Discrimination
 - c) Workplace Harassment
 - d) Maltreatment
 - e) Workplace Violence

Purpose

3. This Policy describes how Canada Basketball may investigate reports of Discrimination, Harassment, Workplace Harassment, Workplace Violence, or Maltreatment.

Determination and Disclosure

4. When a complaint is submitted per Canada Basketball’s *Discipline and Complaints Policy*, the Designated ITP Officer will determine if such complaint requires investigation .
5. Canada Basketball 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

6. 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.
7. 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.

8. 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
9. 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

10. 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 recommendations from the Investigator of whether or not, on a balance of probabilities, a breach of the *Code of Conduct and Ethics* occurred.
11. The Investigator's Report will be provided to the *Designated Independent Third Party (ITP) Officer* who will disclose it per their discretion, but at least to Canada Basketball.
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 Canada Basketball that the matter should be directed to the police.
13. The Investigator must also inform Canada Basketball of any findings of criminal activity. Canada Basketball may decide whether to report such findings to police but is required to inform police if there are any findings related to the trafficking of prohibited substances or methods (as indicated in the version of the World Anti-Doping Agency's Prohibited List currently in force), any sexual crime involving minors, fraud against Canada Basketball, or other offences where the lack of reporting would bring Canada Basketball into disrepute.

Reprisal and Retaliation

14. A Participant 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. Any such conduct may constitute Maltreatment and will be subject to disciplinary proceedings pursuant to the *Discipline and Complaints Policy*.

False Allegations

15. 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 Canada Basketball's *Discipline and Complaints*

Policy with Canada Basketball, or the individual against whom the false allegations were submitted, acting as the Complainant.

Confidentiality

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

Review and Approval

17. This Policy was reviewed and approved by the Canada Basketball Board of Directors on the 15th day of February 2021.