

# GYMNASTICS ONTARIO INVESTIGATIONS POLICY

## Definitions

1. The following terms have these meanings in this Policy:
  - a) *“Discipline Chair”* – An individual or individuals appointed by the Gymnastics Ontario Board of Directors to be the first point-of-contact for all discipline and complaint matters reported to Gymnastics Ontario, per the *Discipline and Complaints Policy*
  - b) *“Individuals”* – All categories of membership defined in Gymnastics Ontario’s Bylaws, as well as all individuals employed by, or engaged in activities with, Gymnastics Ontario including, but not limited to, volunteers, managers, administrators, committee members, learning facilitators, and Directors and Officers of Gymnastics Ontario

## Purpose

2. This Policy describes how Gymnastics Ontario may investigate reports and/or complaints.

## Disclosure

3. Gymnastics Ontario will adhere to all disclosure and reporting responsibilities required by any government entity, local police force, or child protection agency.

## Investigation

4. Complaints will continue to be addressed by the process(es) described in the *Discipline and Complaints Policy*. However, the Discipline Chair may also appoint an Investigator to investigate the allegations.
5. The Investigator may be a representative of Gymnastics Ontario or a Director, or may be an independent third-party skilled in investigation. The Investigator must not be in a conflict of interest situation.
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 should 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) 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**

8. The Investigator will prepare and submit a Report.
9. 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 a violation of Gymnastics Ontario's governing documents.
10. The Investigator's Report will be provided to the Discipline Chair or Case Manager, as applicable.
11. 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 Gymnastics Ontario that the matter should be directed to the police.
12. The Investigator must also inform Gymnastics Ontario of any findings of criminal activity. Gymnastics Ontario 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 Gymnastics Ontario, or other offences where the lack of reporting would bring Gymnastics Ontario into disrepute.
13. The Discipline Chair 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**

14. An individual who submits a complaint to Gymnastics Ontario, 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**

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 Gymnastics Ontario's *Discipline and Complaints Policy* with Gymnastics Ontario, or the individual against whom the false allegations were submitted, acting as the Complainant.

### **Confidentiality**

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