

SECTION II: COMPLIANCE, ETHICS AND MEMBER CONDUCT		
<b>Policy Number and Name:</b> <b>II-06: INVESTIGATIONS POLICY &amp; PROCEDURE</b>	<b>Date of Approval:</b> March 31, 2022	<b>Activation Date:</b> April 1, 2022

## 1. Definitions

Capitalized terms have the following meanings in this Policy:

- 1.1 **“Case Manager”** means the independent person designated by Independent Third Party as the case manager pursuant to the ***Complaints, Hearings & Discipline Policy & Procedure***, or any other related AGF policy.
- 1.2 **“Complainant”** means the Party who has submitted a complaint in accordance with this Policy alleging a violation of an AGF Policy.
- 1.3 **“Independent Third Party”** means an independent individual (or individuals) appointed by AGF to receive and assess complaints (may also be known as a ‘Safe Sport Officer’).
- 1.4 **“Member”** has the meaning set forth in the Bylaws of AGF (which for clarity includes individuals and organizations, as the context requires), and includes but is not limited to registered participants such as coaches, athletes, parents and/or guardians of athletes and officials.
- 1.5 **“Panel”** has the meaning set forth in the ***Complaints, Hearings & Discipline Policy & Procedure***.
- 1.6 **“Party”** or **“Parties”** means the Complainant and the Respondent or both of them, as the context requires.
- 1.7 **“Respondent”** means the Party alleged to have breached or violated an AGF policy.

## 2. Purpose of this Policy

This Policy describes how AGF will conduct investigations and the circumstances under which an investigation may be conducted.

## Determination to Proceed with an Investigation

- 2.1 The ***Complaints, Hearings and Discipline Policy & Procedure*** is intended to facilitate the resolution of complaints received by AGF in a manner that does not require AGF to engage external resources to uncover relevant facts and bring the issue to a close. Specifically, the ***Complaints, Hearings and Discipline Policy & Procedure*** provides that the Complainant and the Respondent are themselves responsible for providing the factual information, including witness statements and other relevant information, to substantiate or defend a complaint and permit the Panel to make a decision on the basis of that information. However, AGF recognizes that there may be circumstances under which a Complainant or a Respondent may not be able to adequately provide all relevant facts or witness statements in order to substantiate or defend the complaint, or where no formal complaint has been made but AGF is aware of matters requiring investigation. In such circumstances, the Independent Third Party may determine that an investigation is necessary or desirable.
- 2.2 When a determination is made by the Independent Third Party pursuant to Section 2.1 above that an investigation into a complaint or other matter is necessary or desirable, the Independent Third Party will appoint an investigator pursuant to this Policy. The Independent Third Party will adhere to all disclosure and reporting responsibilities required by any government entity, local police service, or child protection agency.

## 3. Investigation

- 3.1 **Appointment of Investigator:** An investigator may be appointed by the Independent Third Party to investigate complaints or otherwise as directed. The investigator may be a representative of AGF, or may be an independent third-party qualified and skilled in investigating. The investigator must not be in a conflict of interest situation and should have no connection to any party to the complaint.
- 3.2 **Applicable Law:** Federal and/or provincial legislation related to workplace harassment may apply to the investigation if any alleged 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 matter being investigated.
- 3.3 **Process:** The investigation may take the form as decided by the investigator, guided by any applicable law (including but not limited to with respect to procedural fairness), and in consultation with the Case Manager and/or Independent Third Party where applicable. The investigation may include the following steps:
  - 3.3.1 Interview the Complainant;
  - 3.3.2 Interview witnesses;
  - 3.3.3 Developing a statement of facts (complainant's perspective) prepared by Investigator and acknowledged by Complainant;
  - 3.3.4 Delivering the statement to Respondent;
  - 3.3.5 Interview the Respondent;
  - 3.3.6 Interview additional witnesses; and

- 3.3.7 Developing a statement of facts (respondent's perspective) prepared by Investigator and acknowledged by Respondent.

### Report of the Investigator

- 3.4 The Investigator will prepare and submit a report. 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.
- 3.5 The investigator's report will be provided to the Independent Third Party and the Case Manager, when applicable.
- 3.6 Should the Investigator find that there are possible instances of offences 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 AGF that the matter should be directed to the police. The investigator must also inform AGF of any other findings of criminal activity. AGF 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 AGF, or other offences where the lack of reporting would bring AGF into disrepute.
- 3.7 A Panel, appointed by the Case Manager pursuant to the ***Complaints, Hearings and Discipline Policy & Procedure***, shall consider the investigator's report, in addition to submissions from the parties, prior to deciding on a complaint.

### 4. Prohibition against Retaliation

Retaliation occurs when an individual experiences or is subject to negative consequences due to reporting or participating in an investigation or related process. The Complainant, the Respondent and all witnesses have the right to participate in the investigation process outlined in this Policy, and any other AGF Policy, without fear of retaliation. Retaliation against anyone who reports a complaint or who participates in any aspect of the process outlined in this Policy is strictly prohibited. Any Member or other third party who experiences retaliation due to reporting a complaint or for participation in an investigation or hearing process should report such retaliation to AGF as soon as possible.

### 5. False Allegations

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 the ***Complaints, Hearings and Discipline Policy & Procedure***.

### 6. Confidentiality

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 an AGF policy or by law. The Investigator will make every effort to preserve the confidentiality of the complainant, respondent, and any other party. However, AGF recognizes that maintaining anonymity of any party may be difficult for the Investigator during the investigation.