

BRITISH COLUMBIA WRESTLING ASSOCIATION

INVESTIGATIONS POLICY

1. PURPOSE

Participants are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with policies, Bylaws, rules, and regulations of British Columbia Wrestling Association (“BCWA”), as applicable.

2. DETERMINATION AND DISCLOSURE

- a. When a complaint is submitted per the Discipline and Complaints Policy, the BCWA will determine if the complaint should be investigated.
- b. The BCWA will adhere to all disclosure and reporting responsibilities required by any government entity, local police force, or child protection agency.

3. INVESTIGATION

- a. The BCWA will appoint an Investigator or Investigations Committee. The Investigator and Investigations Committee 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.
- b. 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.
- c. The investigation may take any form as decided by the Investigator, guided by any applicable Federal and/or Provincial legislation. The investigation may include:
 - i. Complainant interviewed;
 - ii. Witnesses interviewed;
 - iii. Collection of documents;
 - iv. Statement of facts (complainant’s perspective) prepared by Investigator and acknowledged by Complainant;
 - v. Statement delivered to Respondent;
 - vi. Respondent interviewed;
 - vii. Witnesses interviewed; and
 - viii. Statement of facts (respondent’s perspective) prepared by Investigator and acknowledged by Respondent.

4. INVESTIGATOR’S REPORT

- a. 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, on a balance of probabilities, a breach the Code of Conduct and Ethics occurred.
- b. The Investigator's Report will be provided to the BCWA who will disclose it per their discretion, but at a minimum to the Discipline Panel.
- c. The BCWA will also have discretion to provide other parties with an executive summary of the Investigator's Report.
- d. The Investigator's Report and any executive summary shall remain confidential once disclosed to BCWA, or any other relevant party. Any failure to respect this provision may be subject to a complaint and disciplinary measures pursuant to the Discipline and Complaints Policy.
- e. 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.
- f. 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 BCWA that the matter should be directed to the police.
- g. The Investigator must also inform BCWA of any findings of criminal activity. BCWA 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 BCWA, or other offences where the lack of reporting would bring BCWA into disrepute.
- h. For complaints that are reported to police, the Investigator will be guided by the police and/or complainant on whether the investigation should continue or pause. If a complainant indicates that they will not be reporting the complaint to the police, the investigation can continue at the Investigator's discretion.

5. REPRISAL AND RETALIATION

- a. An individual who submits a complaint in good faith to BCWA, 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.

6. FALSE ALLEGATIONS

- a. An individual who submits allegations that the Investigator determines to be maliciously false or for the purpose of retribution, retaliation or vengeance, may be subject to a complaint under the terms of the Discipline and Complaints Policy with BCWA, or the individual against whom the false allegations were submitted, acting as the Complainant. This individual may be required to pay for the costs of any investigation that comes to this conclusion. Any individual who is liable to pay for such costs shall be automatically deemed to be not in good standing until the costs are paid in full.

7. CONFIDENTIALITY

- a. The Investigator will make every effort to preserve the confidentiality of the Complainant, Respondent, and any other party. However, BCWA recognizes that maintaining anonymity of any party may be difficult for the Investigator during the investigation.