Georgian Bay Nordic
Discipline and Complaints Policy

Policy

November 1, 2023

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Definitions

1. Terms in this Policy are defined as follows:

    a) ***Abuse*** – Includes Psychological Maltreatment, Physical Maltreatment, Neglect, and/or Grooming of Vulnerable Participants (each as defined in the UCCMS and as amended from time to time by the SDRCC) and which can have the following warning signs:

        i. Recurrent unexplained injuries
        ii. Alert behaviour; individual seems to always be expecting something bad to happen
        iii. Often wears clothing that covers up their skin, even in warm weather
        iv. Individual startles easily, shies away from touch or shows other skittish behaviour
        v. Constantly seems fearful or anxious about doing something wrong
        vi. Withdrawn from peers and adults
        vii. Behaviour fluctuates between extremes (e.g., extremely cooperative or extremely demanding)
        viii. Acting inappropriately younger than their age (like an infant; throwing tantrums)
        ix. Acting out in an inappropriate sexual way with toys or objects
        x. Self-harm (e.g., cutting, burning or other harmful activities)
        xi. Not wanting to be alone with a particular individual

    b) ***Athlete*** – An individual who is subject to the policies of Georgian Bay Nordic, and who may also be subject to the policies of Georgian Bay Nordic, Nordiq Canada and the Universal Code of Conduct to Prevent and Address Maltreatment in Sport ("UCCMS")

    c) ***Case Manager*** – An individual appointed by the Independent Third Party to administer complaints that are assessed under Process #2 of this Policy. This individual must not be in a conflict of interest. The Independent Third Party may serve as the Case Manager

d) ***Complainant*** – A Participant or observer who makes a report of an incident, or a suspected incident, of Prohibited Behaviour, Maltreatment, or other behaviour that is a violation of the standards described in the *Code of Conduct and Ethics*

e) ***External Discipline Panel*** – A Panel of one or three people who are appointed by the Independent Third Party to handle complaints that are assessed under Process #2 of this Policy. Panel members should not be affiliated with Georgian Bay Nordic

f) ***Event*** – An event sanctioned by Georgian Bay Nordic, and which may include a social Event

g) ***Harassment*** – A course of vexatious comment or conduct against a Participant or group, which is known or ought reasonably to be known to be unwelcome. Types of behaviour that constitute Harassment include, but are not limited to:

   i. Written or verbal abuse, threats, or outbursts;
   ii. Persistent unwelcome remarks, jokes, comments, innuendo, or taunts;
   iii. Racial harassment, which is racial slurs, jokes, name calling, or insulting behaviour or terminology that reinforces stereotypes or discounts abilities because of racial or ethnic origin;
   iv. Leering or other suggestive or obscene gestures;
   v. Condescending or patronizing behaviour which is intended to undermine self-esteem, diminish performance or adversely affect working conditions;
   vi. Practical jokes which endanger a person's safety, or may negatively affect performance;
   vii. *Hazing* – which is any form of conduct which exhibits any potentially humiliating, degrading, abusive, or dangerous activity expected of a junior-ranking individual by a more senior individual, which does not contribute to either individual's positive development, but is required to be accepted as part of a team or group, regardless of the junior-ranking individual's willingness to participate. This includes, but is not limited to, any activity, no matter how traditional or seemingly benign, that sets apart or alienates any teammate or group member based on class, number of years on the team or with the group, or ability;

viii. Unwanted physical contact including, but not limited to, touching, petting, pinching, or kissing;

ix. Deliberately excluding or socially isolating a person from a group or team;

x. Persistent sexual flirtations, advances, requests, or invitations;

xi. Physical or sexual assault;

xii. Contributing to a *poisoned sport environment*, which can include:

a. Locations where material that is discriminatory is displayed (e.g., sexually explicit posters and racial/racist cartoons)

b. Groups where harassing behaviour is part of the normal course of activities

c. Behaviour that causes embarrassment, awkwardness, endangers a person's safety or negatively affects performance.

xiii. Behaviours such as those described above that are not directed towards a specific person or group but have the same effect of creating a negative or hostile environment; and

xiv. Retaliation or threats of retaliation against a person who reports harassment to Nordiq Canada, Georgian Bay Nordic or Georgian Bay Nordic

h) ***Independent Third Party*** – An independent individual (or individuals) appointed by Nordiq Canada to receive and assess complaints, including complaints under this Policy. The Independent Third Party designated by Nordiq Canada is specified on the SafeSport page of the Nordiq Canada website

i) ***Internal Discipline Chair*** – An individual appointed by the Independent Third Party to handle complaints that are assessed under Process #1 of this Policy. The Internal Discipline Chair may be a Director, head coach, staff member, or other individual affiliated with Georgian Bay Nordic but must not be in a conflict of interest

j) ***Maltreatment*** – As defined in the UCCMS and as amended from time to time by the SDRCC

k) ***Minor*** – As defined in the UCCMS and as amended from time to time by the SDRCC

l) ***OSIC*** – The Office of the Sport Integrity Commissioner, an independent division of the SDRCC, which comprises the functions of the Sport Integrity Commissioner; also referred to as Abuse-Free Sport

m) ***Parties –*** The affected persons or groups involved with a dispute

n) ***Participants*** – Refers to all categories of individual members as defined in the By-laws of Georgian Bay Nordic who are subject to the policies of Georgian Bay Nordic, as well as all people employed by, contracted by, or engaged in activities with Georgian Bay Nordic including, but not limited to, employees, contractors, Athletes, coaches, instructors, officials, volunteers, managers, administrators, committee members, parents or guardians, spectators, directors or officers

o) ***Person in Authority*** – Any Participant who holds a position of authority within Georgian Bay Nordic including, but not limited to, coaches, instructors, officials, managers, support personnel, chaperones, committee members, directors or officers

p) ***Power Imbalance*** – As defined in the UCCMS and as amended from time to time by the SDRCC

q) ***Respondent*** – The Party responding to the complaint

r) ***SDRCC*** – The Sport Dispute Resolution Centre of Canada

s) ***UCCMS*** – The Universal Code of Conduct to Prevent and Address Maltreatment in Sport, as amended from time to time by the SDRCC

t) ***UCCMS Participant*** – A Participant affiliated with Nordiq Canada, as designated by Nordiq Canada, and who has signed the required consent form. For Nordiq Canada, UCCMS Participants Include:

   i. Board members
   ii. Employees
   iii. Contract staff
   iv. Service providers who enter the national team environment
   v. High Performance Committee members
   vi. Voting jury members
   vii. Master learning facilitators
   viii. National team athletes

ix. Athletes

x. Staff and mentees who participate in national camps and/or competition trips

u) ***Vulnerable Participant*** – As defined in the UCCMS and as amended from time to time by the SDRCC

Purpose

2. Participants are expected to fulfill certain responsibilities and obligations including, but not limited to, complying with the policies, By-laws, rules and regulations of Georgian Bay Nordic, Georgian Bay Nordic, Nordiq Canada and any other Members,[1] as applicable and as amended from time to time. Non-compliance may result in the imposition of sanctions pursuant to this Policy.

Application of this Policy

3. This Policy applies to all Participants and to any alleged breaches of Georgian Bay Nordic's By-laws, policies, rules or regulations.

4. This Policy applies to matters that may arise during the business, activities, and Events of Georgian Bay Nordic, including, but not limited to, competitions, practices and training, treatment or consultations (e.g., massage therapy), camps and clinics, travel associated with the activities ofGeorgian Bay Nordic, and any meetings.

5. This Policy also applies to Participants' conduct outside of the business, activities, and Events of Georgian Bay Nordic when such conduct adversely affects the relationships (or the work and sport environment) of Georgian Bay Nordic, is detrimental to the image and reputation of Georgian Bay Nordic, or upon the acceptance of Georgian Bay Nordic. Accordingly, applicability of this Policy will be determined byGeorgian Bay Nordic, upon its sole discretion.

[1] A Division Member, as defined in the Nordiq Canada By-laws..

6. This Policy applies to alleged breaches of the *Code of Conduct and Ethics* by Participants who have retired from the sport where any claim regarding a potential breach of the *Code of Conduct and Ethics* occurred when the Participant was active in the sport. In addition, this Policy will apply to breaches of the *Code of Conduct and Ethics* that occurred when the Participants involved interacted due to their mutual involvement in the sport or, if the breach occurred outside of the sport environment, if the breach has a serious and detrimental impact on the Participant(s).

7. If it is considered appropriate or necessary based on the circumstances, immediate discipline or the imposition of a sanction may be applied, after which further discipline or sanctions may be applied according to this Policy. Any infractions or complaints occurring within competition will be dealt with by the procedures specific to the competition, if applicable. In such situations, disciplinary sanctions may be for the duration of the competition, training, activity, or Event only.

8. In addition to being subject to disciplinary action pursuant to this *Discipline and Complaints Policy*, an employee of Georgian Bay Nordic who is a Respondent to a complaint may also be subject to consequences in accordance with the employee's employment agreement or the relevant policies for human resources, if applicable.

9. Georgian Bay Nordic will adhere to all disclosure and reporting responsibilities required by any government entity, local police force, or child protection agency.

Minors

10. Complaints may be brought for or against a Participant who is a Minor. Minors must have a parent/guardian or other adult serve as their representative during this process. Any Participant who reports or brings a complaint on behalf of a Minor that involves known or suspected abuse or Maltreatment of a Minor that is not Reported to the OSIC pursuant to

sections 13-14 below must also report this to local child welfare services, the applicable provincial or territorial social service ministries or departments, or local police.

11. Communication from the Independent Third Party, Case Manager, Internal Discipline Chair or External Discipline Panel (as applicable) must be directed to the Minor's representative.

12. A Minor is not required to attend an oral hearing, if held, or participate in an investigation, if conducted. In such circumstances, no adverse inference can be drawn against the Minor.

Reporting a Complaint

UCCMS Participants

13. Incidents that involved alleged Prohibited Behaviour or Maltreatment that occurred or continued as of January 31, 2023 involving a UCCMS Participant must be reported to the OSIC and will be addressed pursuant to the OSIC's policies and procedures.

14. Incidents that involve alleged Prohibited Behaviour or Maltreatment that occurred before January 31, 2023 may be reported to the OSIC; however, the OSIC shall determine the admissibility of such complaints in accordance with the relevant and applicable OSIC Guidelines regarding the initial review and preliminary assessment, at their sole discretion. The matter may only proceed pursuant to the OSIC's procedures with the express consent of the Parties involved where the Parties have not been designated by Nordiq Canada as UCCMS Participants.

15. If the Independent Third Party receives a complaint that they consider would otherwise fall within the above sections, they shall refer the matter to the OSIC and notify the Participant(s) that made the complaint of such action.

Participants

16. Any complaints involving alleged breaches of Georgian Bay Nordic's policies that do not fall within Sections 13 or 14 above must be reported by a Participant to Nordiq Canada's

designated Independent Third Party in writing within 30 days of the occurrence of the incident].[2] For the avoidance of doubt, this includes complaints referred back to the Independent Third Party by the OSIC following a determination made by the OSIC that a complaint initially reported to it does not fall within its jurisdiction. The OSIC is not required to comply with the deadline specified in this section.

17. Notwithstanding any other provision in this Policy, Georgian Bay Nordic may, at its discretion, or upon request of the Independent Third Party, act as the Complainant and initiate the complaint process under the terms of this Policy. In such cases, Georgian Bay Nordic will identify an individual to represent the organization.

18. A Complainant who fears retribution or reprisal or who otherwise considers that their identity must remain confidential may file a complaint with the Independent Third Party and request that their identity be kept confidential. If the Independent Third Party considers that the Complainant's identity must remain confidential, the Independent Third Party may ask that Georgian Bay Nordic take carriage of the complaint and act as the Complainant.[3]

19. Complaints or incident reports should be made in writing for the discipline and complaints procedure to be initiated. The Complainant may contact the Independent Third Party for direction regarding the formal submission of a complaint.

Independent Third Party Responsibilities

20. Upon receipt of a complaint from a Complainant or Complainants or from the OSIC, the Independent Third Party has a responsibility to:

[2] This timeline may be waived at the Independent Third Party's sole discretion if they consider that there were extenuating circumstances that prevented the Individual from Reporting their complaint within 30 days of the occurrence of the incident. Any such decision by the Independent Third Party is not subject to appeal.

[3] In such circumstances, the Complainant(s) may be required to provide evidence during the disciplinary process.

a) Determine the appropriate jurisdiction to manage the complaint and consider the following:

   i. Whether the complaint involves UCCMS Participants and should therefore be handled by the OSIC, in accordance with 13-15 above

   ii. Whether the complaint should be handled by Georgian Bay Nordic, Georgian Bay Nordic or other Member, or by Nordiq Canada. In making this decision, the Independent Third Party will consider whether the incident has occurred within the business, activities or Events of Georgian Bay Nordic, Georgian Bay Nordic or other Member, or Nordiq Canada. If the incident has occurred within the business, activities or Events of more than one of these organizations, the Independent Third Party will determine which organization's relationships are adversely affected or which organization's affairs are most impacted; if the Club, Georgian Bay Nordic or other Member is otherwise unable to manage the complaint for valid and justifiable reasons, such as a conflict of interest or due to a lack of capacity. If Nordiq Canada handles a complaint in this instance, Nordiq Canada and Georgian Bay Nordic, Georgian Bay Nordic or other Member (as applicable) will determine how the costs of handling the complaint will be shared; in most cases costs will be attributed based on where the incident occurred).

   iii. If the Independent Third Party determines that the complaint or incident should be handled by Georgian Bay Nordic, the Independent Third Party will fulfil the responsibilities listed below

   iv. Where the Independent Third Party refers a matter to be managed by Georgian Bay Nordic, or where Georgian Bay Nordic is otherwise responsible for managing a matter (i.e., because they received the matter directly), and Georgian Bay Nordic fails to conduct disciplinary proceedings within a reasonable timeline, Nordiq Canada may, at its discretion, take jurisdiction over the matter and conduct the necessary proceedings. In such circumstances, if the Internal Discipline Chair or External Discipline Panel decides that Nordiq Canada acted reasonably in taking jurisdiction over the

matter, Nordiq Canada's costs to conduct the proceedings, including legal fees, shall be reimbursed by Georgian Bay Nordic to Nordiq Canada.

b) Determine whether the complaint is frivolous and/or outside of the jurisdiction of this Policy and, if so, the complaint will be dismissed immediately and the Independent Third Party's decision to dismiss the complaint may not be appealed;
c) Propose the use of alternative dispute resolution techniques;
d) Determine if the alleged incident should be investigated pursuant to **Appendix A – Investigation Procedure**; and/or
e) Choose which process (Process #1 or Process #2, as outlined below) should be followed to hear and adjudicate the complaint.

There are two different processes that may be used to hear and adjudicate complaints. The Independent Third Party will decide which process should be followed based on the nature of the complaint.

If the Independent Third Party receives a complaint that occurred within the business, activities or Events of Georgian Bay Nordic and determines that it falls under Process #2, the Independent Third Party will refer the matter to be handled by Georgian Bay Nordic's Division Member under the process detailed at in the Division Member's *Discipline and Complaints Policy* for matters that fall under Process #2.[4]

Process #1 - the Complainant alleges the following incidents:

a) Disrespectful conduct or comments
b) Minor incidents of physical violence, unless the violence is between a Person in Authority and a Vulnerable Participant, in which case the matter will fall under Process #2
c) Conduct contrary to the values of Georgian Bay Nordic

[4] Where Georgian Bay Nordic's Division Member has not adopted a *Discipline and Complaints Policy* that includes Process #2 and the relevant and applicable procedure for addressing complaints that the Independent Third Party determines fall under Process #2, the Independent Third Party shall refer the case to Nordiq Canada, which will handle the matter under Process #2 in its *Discipline and Complaints Policy*.

d) Non-compliance with the organization's policies, procedures, rules, or regulations
e) Minor violations of the *Code of Conduct and Ethics*

Process #2 - the Complainant alleges the following incidents:

a) Repeated incidents pursuant to Process #1
b) Hazing
c) Abusive, racist, or sexist comments or behaviour
d) Behaviour that constitutes Prohibited Behaviour, Maltreatment, Abuse, Harassment, Workplace Harassment or Workplace Violence
e) Major incidents of violence (e.g., fighting, attacking)
f) Pranks, jokes, or other activities that endanger the safety of others
g) Conduct that intentionally interferes with a competition or with any athlete's preparation for a competition
h) Conduct that intentionally damages the organization's image, credibility, or reputation
i) Consistent disregard for the by-laws, policies, rules, and regulations
j) Major or repeated violations of the *Code of Conduct and Ethics*
k) Intentionally damaging the organization's property or improperly handling the organization's monies
l) Abusive use of alcohol or cannabis, any use or possession of alcohol or cannabis by Minors, or use or possession of illicit drugs and narcotics
m) A conviction for any *Criminal Code* offense
n) Any possession or use of prohibited substances or prohibited methods

PROCESS #1: Handled by Internal Discipline Chair

Internal Discipline Chair

21. Following the determination that the complaint or incident should be handled under Process #1, the Independent Third Party will appoint an Internal Discipline Chair who may:

a) Recommend mediation;

b) Make a decision;
c) Ask the Complainant and the Respondent for either written or oral submissions regarding the complaint or incident; or
d) Convene the Parties to a meeting, either in person or by way of video or teleconference in order to ask the Parties questions.

22. Thereafter, the Internal Discipline Chair shall determine if a breach occurred and if sanctions should be applied (see: **Sanctions**).

23. The Internal Discipline Chair will inform the Parties of the decision, which will take effect immediately, subject to any request for reconsideration. Failure to comply with a sanction will result in an automatic suspension until such time as compliance occurs.

24. Records of all sanctions will be maintained by Georgian Bay Nordic.

Request for Reconsideration

25. Either Party may contest the Internal Discipline Chair's decision by informing the Internal Discipline Chair, within five (5) days of receiving the decision, that they are not satisfied with the decision and that they are making a request for a reconsideration of the original decision.

26. In the request for reconsideration, the Party making the request must indicate:

a) Why the sanction is inappropriate (or, if no sanction was imposed, why a sanction would be appropriate);
b) Summary of supporting evidence; and
c) What alternative penalty or sanction (if any) would be appropriate.

27. Upon receiving a request for reconsideration, the Internal Discipline Chair may allow the other Party to respond in writing to the request..

28. Should the Internal Discipline Chair accept the request for reconsideration, in whole or in part, and impose a sanction (where no sanction was originally imposed) or a different sanction, the sanction will take effect immediately. Failure to comply with a sanction will result in an automatic suspension until such time as compliance occurs.

29. The Internal Discipline Chair's decision following a request for reconsideration shall be final and not subject to appeal.

Sanctions

30. Prior to determining sanctions, the Internal Discipline Chair will consider factors relevant to determining appropriate sanctions which include:

    a) The nature and duration of the Respondent's relationship with the Complainant, including whether there is a Power Imbalance;
    b) The Respondent's prior history and any pattern of misconduct, Prohibited Behaviour or Maltreatment;
    c) The ages of the individuals involved;
    d) Whether the Respondent poses an ongoing and/or potential threat to the safety of others;
    e) The Respondent's voluntary admission of the offense(s), acceptance of responsibility for the misconduct, and/or cooperation in the process of Georgian Bay Nordic;
    f) Real or perceived impact of the incident on the Complainant, sport organization or the sporting community;
    g) Circumstances specific to the Respondent being sanctioned (e.g. lack of appropriate knowledge or training regarding the requirements in the *Code of Conduct and Ethics*; addiction; disability; illness);
    h) Whether, given the facts and circumstances that have been established, continued participation in the sport community is appropriate;
    i) A Respondent who is in a position of trust, intimate contact or high-impact decision-making may face more serious sanctions; and/or

j) Other mitigating and aggravating circumstances.

31. Any sanction imposed must be proportionate and reasonable. However, progressive discipline is not required and a single incident of misconduct may justify elevated or combined sanctions.

32. The Internal Discipline Chair may apply the following disciplinary sanctions, singularly or in combination:

    a) **Verbal or Written Warning** - A verbal reprimand or an official, written notice and formal admonition that a Participant has violated the *Code of Conduct and Ethics* and that more severe sanctions will result should the Participant be involved in other violations
    b) **Education** - The requirement that a Participant undertake specified educational or similar remedial measures to address the violation(s) of the *Code of Conduct and Ethics*
    c) **Probation** - Should any further violations of the *Code of Conduct and Ethics* occur during the probationary period, it will result in additional disciplinary measures, likely including a period of suspension or permanent ineligibility. This sanction can also include loss of privileges or other conditions, restrictions, or requirements for a specified period of time
    d) **Suspension** - Suspension, either for a set time or until further notice, from participation, in any capacity, in any program, practice, activity, Event, or competition sponsored by, organized by, or under the auspices of Georgian Bay Nordic. A suspended Participant is eligible to return to participation, but reinstatement may be subject to certain restrictions or contingent upon the Participant satisfying specific conditions noted at the time of suspension
    e) **Eligibility Restrictions** - Restrictions or prohibitions from some types of participation but allowing participation in other capacities under strict conditions
    f) **Permanent Ineligibility** - Permanent ineligibility to participate, in any sport, in any capacity, in any program, activity, Event, or competition sponsored by, organized by, or under the auspices of Georgian Bay Nordic

g) **Other Discretionary Sanctions** - Other sanctions may be imposed, including, but not limited to, other loss of privileges, no contact directives, a fine or a monetary payment to compensate for direct losses, or other restrictions or conditions as deemed necessary or appropriate

33. Records of all decisions will be maintained by Georgian Bay Nordic. Georgian Bay Nordic will submit a copy of such records to Georgian Bay Nordic and to Nordiq Canada.

OSIC Sanctions

34. Georgian Bay Nordic acknowledges the obligation of Nordiq Canada, as a Program Signatory to the OSIC, to ensure that any sanctions or measures imposed by the OSIC's Director of Sanctions and Outcomes will be implemented and respected within Nordiq Canada's jurisdiction (including at the provincial, territorial and club level), once Nordiq Canada receives appropriate notice of any sanction or measure from the OSIC and communicates the same to Georgian Bay Nordic.

Appeals

35. In situations where a complaint is referred to Georgian Bay Nordic's Division Member because it falls under Process #2, the decision of the Division Member's External Discipline Panel may be appealed in accordance with the Division Member's *Dispute Resolution and Appeal Policy*.[5] Any other decision rendered under this *Discipline and Complaints Policy* is final and not subject to appeal.

[5] In situations where the Independent Third Party refers a case that falls under Process #2 to Nordiq Canada to be managed under Nordiq Canada's *Discipline and Complaints Policy* because Georgian Bay Nordic's Division Member does not have a *Discipline and Complaints Policy* to address matters that fall under Process #2, appeals shall be handled under Nordiq Canada's *Dispute Resolution and Appeal Policy*.

Suspension Pending a Hearing

36. Georgian Bay Nordic may determine that an alleged incident is of such seriousness as to warrant suspension of a Participant pending completion of an investigation, criminal process, the hearing, or a decision of the External Discipline Panel.

Confidentiality

37. The discipline and complaints process is confidential and involves only, as applicable, Georgian Bay Nordic (Club President and relevant staff as determined by the Club President), the Parties, the Independent Third Party, the Case Manager, the Internal Discipline Chair, the Division Member's External Discipline Panel and any independent advisors to the Division Member's External Discipline Panel, as well as Georgian Bay Nordic and Nordiq Canada. Once initiated and until a decision is released, none of the Parties will disclose confidential information relating to the discipline or complaint to any person not involved in the proceedings.

38. Any failure to respect the aforementioned confidentiality requirement may result in further sanctions or discipline by the Internal Discipline Chair.

Timelines

39. If the circumstances of the complaint are such that adhering to the timelines outlined by this Policy will not allow a timely resolution to the complaint, the Independent Third Party may direct that these timelines be revised.

Records and Distribution of Decisions

40. Other individuals or organizations, including but not limited to, national sport organizations, Provincial/Territorial sport organizations, sport clubs, etc., may be advised of any decisions rendered in accordance with this Policy.

41. Georgian Bay Nordic recognizes that a publicly-available searchable database or registry of Respondents who have been sanctioned, or whose eligibility to participate in sport has in some way been restricted, may be maintained and may be subject to provisions in the UCCMS.

Privacy

42. The collection, use and disclosure of any personal information pursuant to this Policy is subject to Georgian Bay Nordic's usual policies and practices regarding private and/or confidential information.

43. Georgian Bay Nordic or any of its delegates pursuant to this Policy (i.e., the Independent Third Party, Internal Discipline Chair, Case Manager, External Discipline Panel) shall comply with Georgian Bay Nordic's usual policies and practices regarding private and/or confidential information in the performance of their services under this Policy.

Appendix A – Investigation Procedure

Determination

1. When a complaint is submitted pursuant to the *Discipline and Complaints Policy*, the Independent Third Party will determine if the incident should be investigated.

Investigation

2. The Case Manager will appoint an Investigator. 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.

3. Federal and/or Provincial/Territorial 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.

4. The investigation may take any form as decided by the Investigator, guided by any applicable Federal and/or Provincial/Territorial legislation. The investigation may include:

    a) Interviews with the Complainant
    b) Witness interviews
    c) Statement of facts (Complainant's perspective) prepared by Investigator, acknowledged by the Complainant and provided to the Respondent
    d) Interviews with the Respondent
    e) Statement of facts (Respondent's perspective) prepared by Investigator, acknowledged by the Respondent and provided to the Complainant

Investigator's Report

5. 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 of the *Code of Conduct and Ethics* occurred.

6. 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.

7. The Investigator's Report will be provided to the Case Manager who will disclose it, at their discretion, to Georgian Bay Nordic.

8. 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 and Georgian Bay Nordic to refer the matter to police.

9. The Investigator must also inform Georgian Bay Nordic of any findings of criminal activity. Georgian Bay Nordic may decide whether to report such findings to police but is required to inform police if there are 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 Georgian Bay Nordic, or other offences where the lack of reporting would bring Georgian Bay Nordic into disrepute.

Reprisal and Retaliation

10. A Participant who submits a complaint to Nordiq Canada, Georgian Bay Nordic, or Georgian Bay Nordic or who gives evidence in an investigation may not be subject to reprisal or retaliation. Any such conduct may constitute Prohibited Behaviour and will be subject to disciplinary proceedings pursuant to the *Discipline and Complaints Policy*.

False Allegations

11. A Participant who submits allegations that the Investigator determines to be malicious, false, or for the purpose of retribution, retaliation or vengeance (or that otherwise fall within the definition of Prohibited Behaviour) may be subject to a complaint under the terms of the *Discipline and Complaints Policy* and may be required to pay for the costs of any investigation that comes to this conclusion.Georgian Bay Nordic or the Participant against whom the allegations were submitted may act as the Complainant.

Confidentiality

12. The Investigator will make reasonable efforts to preserve the anonymity of the complainant, respondent, and any other party. However, Georgian Bay Nordic recognizes that maintaining full anonymity during an investigation may not be feasible.

Privacy

13. The collection, use and disclosure of any personal information pursuant to this Policy is subject to Georgian Bay Nordic's usual policies and practices regarding private and/or confidential information.

14. Georgian Bay Nordic or any of its delegates pursuant to this Policy (i.e., the Independent Third Party and the investigator) shall comply with Georgian Bay Nordic's usual policies and practices regarding private and/or confidential information in the performance of their services under this Policy.