Hockey Canada



Rule 11 - Member Training Guide

Understanding the Training Materials and Resources Regarding Rule 11

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Introduction



The resources and materials provided by Hockey Canada, provide insight into human rights legislation dealing with Discrimination. Discrimination results from intentional and unintentional prejudice, stereotyping and misuse of power. Human rights legislation provides a legal mechanism to prevent or stop discrimination and to offer remedies when discrimination happens.

Hockey Canada is committed to contributing to the physical, psychological, social and spiritual health of individuals of varying abilities, backgrounds and interests. Participants in Hockey Canada's programming should have the reasonable expectation that it will be in an environment that is accessible, inclusive and free from all forms of Discrimination.

About this Guide

This training guide provides a resource to assist in understanding all of the training materials and resources available regarding Rule 11 and when a complaint of Discrimination has been received. The resources and materials available will provide organizations with the tools to assist in handling a complaint of Discrimination, from the moment of intake, through the investigation to the final conclusion of a delivered decision from a Hearing Committee.



Disclaimer

This Training Guide is meant to provide general guidance for investigating discrimination complaints on behalf of Associations, Leagues and Members. The Reference Guide sets out best practices in the area of discrimination investigations, although it is not intended as legal advice. Ultimately, each Association, League and Member will be responsible for establishing and following its own investigation procedures.

Instructions

INSTRUCTIONS



The flow chart below depicts the order that the resources and templates would be used from the initial intake of the complaint until the final decision is rendered.



Discrimination Complaint Intake Form



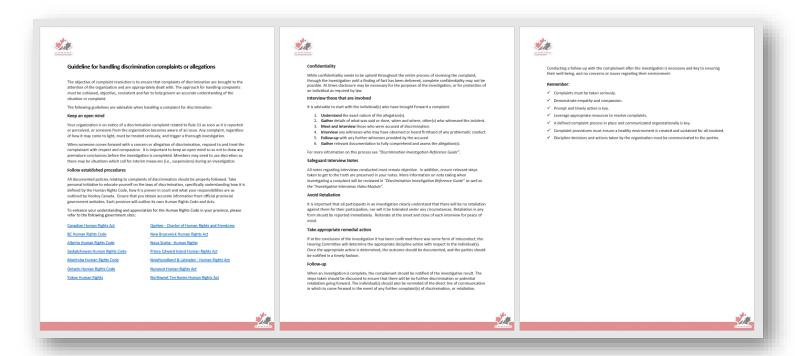
The Discrimination Complaint Intake Form is a fillable PDF form that can be emailed, faxed or printed. It is provided to those individuals that have a reported incident of Discrimination. The form carefully identifies the definition of Discrimination, the individuals involved and the particulars regarding the incident itself. The completed and submitted form initiates the investigation. The details provided on the form are collected by the investigator and used in the Investigation Plan.



Guidelines for Handling Complaints (🕖



Once a complaint of Discrimination has been received, this document provides general guidelines in handling the complaint and has a high-level approach with key important undertakings. It touches on the necessary soft skills and includes links to provincial Human Rights Codes, providing access to further information on legislation outlined in each province regarding Discrimination. The Guideline for Handling Complaints is a resource that provides helpful quick tips in handling Discrimination complaints.



Notice of Investigation Templates



There are six Notice of Investigation templates:

- 1. Notice of Investigation Template Complainant
- 2. Notice of Investigation Template Complainant Minor
- 3. Notice of Investigation Template Respondent
- 4. Notice of Investigation Template Respondent Minor
- 5. Notice of Investigation Template Witness
- 6. Notice of Investigation Template Witness Minor

Each template has pre-determined fields where information can be added and changed for each notice that is required. The language of each template is determined by who the notice is intended for. For each of the minor templates, it is addressed to the parent or guardian of the minor. The parent or guardian of the minor is invited to attend with the minor to the interview if they wish to do so. The template sections include information on the appointment of the investigator, and the interview date and location, and also speaks to confidentiality as well as protection from reprisal. Below is an example of the template for a Complainant who is a minor.

[ENTER DATE]

Confidential

Dear FENTER PARENT / GUARDIAN NAME1 .

RE: NOTICE OF INVESTIGATION

APPOINTMENT OF INVESTIGATOR

[COMPLAINANT]

I have been appointed to investigate the discrimination complaint the [ENTER MINOR'S NAME] has filed on [ENTER DATE] against [ENTER RESPONDENT NAME].

INTERVIEW DATE AND LOCATION

I propose that we meet with [ENTER MINOR'S NAME] on [ENTER DATE] at [ENTER LOCATION].

Please contact me as soon as you can to confirm whether this time and location works for you and [ENTER MINOR'S NAME]. If not, please advise me of your availability for an interview over

You are entitled to attend the interview with [ENTER MINOR'S NAME] . You may also bring a You are enument to amend the finetview with [ENTER KINCOK'S NAMED, 1 Our may also oring, representative 'you wish, Please be narser that we will primarily be interested in getting [ENTER MINOR'S NAME] 's version of what occurred, but you will certainly be permitted to provide whatever direct evidence you may have relating to the complaint as well.

During our meeting, I will take notes of the information that you and [ENTER MINOR'S NAME] provide. Following the meeting. I will prepare a summary of evidence from the information obtained during our meeting and will provide you and [ENTER MINOR'S NAME] with it to review and correct anything if required.

If you or [ENTER MINOR'S NAME] have any documents or notes you believe are relevant to this investigation, I would appreciate receiving copies of them, preferably in advance of our interview.

CONFIDENTIALITY

To maintain confidentiality and support the integrity of the process, I ask that you not discuss the complaint or investigation with zaryone while the investigation is ongoing, other than your legal advisor, or representative (should you choose to have such assistance). I will ask all other parties involved in the investigation to do the same.

PROTECTION FROM REPRISALS

Anyone who files a legitimate complaint is protected from retaliation or reprisals. This includes protection against any threats of or a ctual punishment by anyone within the organization. This means you or [ENTER MINOR'S NAME] may not retainlate against arrows of participating in this investigation, nor can they retaliate against you or [ENTER MINOR'S NAME].

If any person should retaliate against you or [ENTER MINOR'S NAME] for your participation in the investigation, I encourage you to contact me or your member association immediately.

[ENTER ORGANIZATION NAME] is committed to a prompt and thorough investigation into complaints under the [ENTER ORGANIZATION NAME] policy. Your co-operation and willingness to assist in this regard is appreciated.

If you have any questions or concerns about the investigation process or any other matter, please contact me.

Sincerely yours,

[ENTER INVESTIGATOR NAME] [ENTER INVESTIGATOR CONTACT NUMBER]

Discrimination Investigation Reference Guide



This 30-page reference guide provides a step-by-step process on completing an investigation into Discrimination complaints. The guide is divided into five sections:

Section 1 - Definitions

The definitions provided review the Canadian Human Rights Act, as well as breaking down the definition of Discrimination further to understand the protected grounds and what Discrimination looks like. It also defines the parties involved to better understand the different roles concerned in an investigation.

Section 2 – Understanding Discrimination

This section covers off the types of Discrimination, as well as some exceptions to human rights legislation.

Section 3 – Standards of Investigations

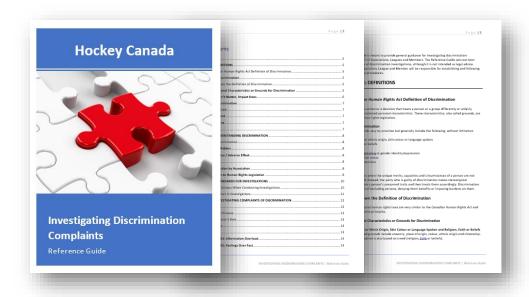
This section highlights the standards expected for all investigations and identifying procedural fairness when conducting investigations, as well as some common errors that may occur when investigating.

Section 4 – Investigating Complaints of Discrimination

The heart of this reference guide is centered in Section 4, examining the investigative process, roles and responsibilities, pre-investigation steps and documentation, as well as interviewing techniques. Here you will find the foot path for properly investigating a complaint, and everything you will need to know and be aware of while investigating.

Section 5 - Next Steps

The reference guide concludes with a brief overview of the next steps following the investigation and the role the Hearing Committee plays in finalizing a decision for the outcome of the investigation.



There are various reference materials that are mentioned throughout the Discrimination Investigation Reference Guide. These templates and reference materials will further aid the investigation process and assist with keeping the investigation on track and organized. These include:

Investigative Plan Template



Before commencing the investigation, the investigator will need to make a plan or checklist for the investigation. The sample investigative plan template is provided for ease of formulating the steps for the investigation. The purpose of the investigation plan is to keep the investigation focused, organized and thorough. This plan is referenced throughout the investigation and guides the investigator from the beginning to the end of the investigation.

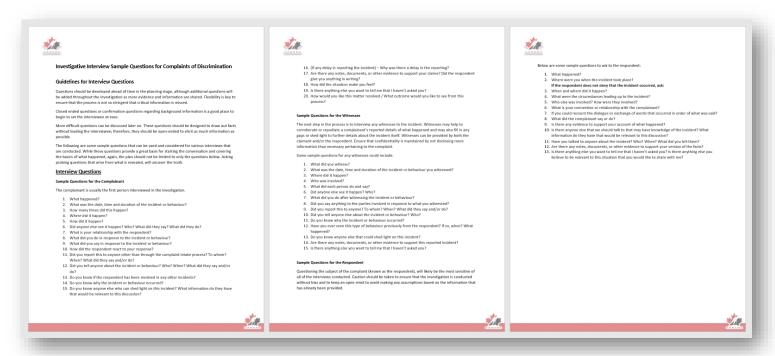
Investigation Plan Guidelines (compliment the Investigative Plan Template)

These guidelines provide insight into how to complete the Investigative Plan Template. For each section of the plan that requires information, the guidelines reference document provides instruction on what the section is asking for.

Investigative Interview Sample Questions



In addition to the Investigative Plan that is prepared prior to initiating the investigation, investigative questions should also be developed ahead of time in the planning stage. Additional questions may be added throughout the investigation, but having some prepared questions ahead of the interviews will set the investigator up for success. This reference document provides sample interview questions for the Complainant, Respondent and Witnesses. Understanding the types of questions that should be asked (i.e. open-ended or closed questions), is further explained in the Discrimination Investigation Reference Guide.



Credibility Determinations



Once interviews have concluded and before the investigator begins creating their final findings and report, credibility determinations or assessments are required. These assessments can be critical in determining whether the alleged incident occurred. Assessing credibility considers if there is any selfinterest in the outcome of the investigation or if the versions of the incident have been consistently offered, while also looking at memory recall along with how forthcoming the person has been. The investigator should also note the body language of those interviewed.

This reference material will assist in how to make credibility determinations that are included in the final report.

Credibility Determinations

If there are conflicting versions of relevant events, the investigator and/or hearing com to weigh each party's credibility. Credibility assessments can be critical in determining whether the alleged discrimination in fact occurred. Factors to consider include:

- Inherent plausibility: Is the testimony believable on its face? Does it make sense?
- Consistency: Is the person's version of events consistent throughout the entire investigation
- . Recollection: Does the person seem to have a good memory of the events?
- Demeanor: Did the person seem to be telling the truth or lying?
- Motive to falsify: Did the person have a reason to lie?
- Forthcoming: Was the person forthcoming with important, relevant information?
 Bias: Did the person have any cultural biases that would affect or influence their perceptions of what happened?
- Self-interest: Does the individual have self-interest or interest in the outcome of the investigation, such as having a grudge.
- Corroboration: Is there witness testimony (such as testimony by eyewitnesses, people who saw
 the person soon after the alleged incidents, or people who discussed the incidents with the
 person at around the time that they occurred) or physical evidence (such as written
 documentation) that corroborates the party's testimony?
- Observation: Did the person observe the event directly or are they relying on secondhand information?
- Body Language: What was the person's body language?
 Past record: Did the respondent have a history of similar behaviour in the past?

None of the above factors are determinative as to credibility. For example, the fact that there are no none of the adover accounts are determination by no means necessarily defeats the complainant's evenitheses to the alleged discrimination by no means necessarily defeats the complainant's credibility. Furthermore, the fact that the respondent engaged in similar behavior in the past does not necessarily mean that they did so again.

Sample Credibility Statements:

All of the witnesses, including the Complainant and the Respondent, were honest or sincere. Howe both the Complainant and the Respondent, although sincere, were coloured by their perceptions of the rights and wrongs of the situation, to a point that some aspects of their evidence were inadvertently

The Respondent was often unresponsive to questions and somewhat argumentative with the investigator. There were some inconsistencies between their testimony and their prior statements, and a significant amount of imprecision in the details associated with this matter.

The following sample phrases are examples that can be used when writing the investigation report in reference to credibility determinations that have been made:

- The complainant / respondent was honest and sincere
- The complainant's / respondent's evidence was corroborated by the witnesses or documents.
- The witness's memory was reliable
- The complainant's / respondent's evidence was entirely consistent / inconsistent.
- The witness was friends with the complainant/respondent and although they attempted to be honest, this relationship coloured the witness's perception making their evidence less reliable.





Evidence Evaluation Grid

During the scope of the investigation, using an evaluation grid to compare the evidence provided by each party would be useful. The grid can help assess the factual and evidentiary gaps that require further investigation. It may also assist in determining whether the evidence supports one side versus another.

Chronologically setting out the order in which the events unfolded will also assist with assessing and evaluating the evidence presented.

Evidence Evaluation Grid							
Respondent: Follow up Interview:							
Respondent's Evidence	Witness Evidence	Witness Evidence	Witness Evidence	Corroborating Documentation	Substa Yes	ntiated No	
		Respondent's Witness Evidence	Respondent's Witness Evidence Witness Evidence	Respondent: Follow up Interview: Respondent's Witness Evidence Witness Evidence	Respondent: Follow up Interview: Respondent's Witness Evidence Witness Evidence Corroborating	Respondent: Follow up Interview: Respondent's Witness Evidence Witness Evidence Corroborating Substa	



Investigation Report



Once all questions are addressed and the investigation concludes, the final report is prepared. The report will conclude the investigation and should be written with all information necessary to provide a Hearing Committee with the means to resolve the complaint and make any required remedial decisions. This should be the goal of the report.

The report should be displayed in chronological order for effect. The scope of the investigation should clearly be specified in the report. It should set out what evidence was obtained, any further evidence needed and an analysis of the evidence. A fillable PDF Investigation Report template has been created to assist with completing all required information. See the Discrimination Investigation Reference Guide for further report writing guidelines and tips.

Investigation Report: Discrimination Complaint	B. Position of the Complainant – [NAME OF COMPLAINANT] The complainer allead that: F. Findings of Fact.	f the evidence, I make the following findings of fact:
[DATE]	Upon review and analysis	and evidence, I make the following intumes or fact:
Name of Complainant:		
Name of Respondent:		
Date of Alleged Incidents:		
Investigator:	C. Position of the Respondent – [NAME OF RESPONDENT] In their response, the Respondent stated the following:	
Summary of the Complaint		
	Relevant Evidence of the Witnesses The following relevant evidence was provided by witnesses:	
A. Investigation Process	The following relevant evidence was provided by witnesses:	
I conducted an investigation and interviewed the following people: (Names of all people interviewed and their positions)		
:		
:		
	E. Credibility Determination	
I also reviewed the following documents:		
:	October 20, 2021	
:	0.000 20, 2021	×
	Date	Investigator
ı	2	3

Discrimination Complaint Hearings Reference Guide



This reference guide is filled with best practices and protocols for the Hearing Committee. The Hearing Committee convenes post-investigation and is intended to ensure equal and fair opportunity for both parties. The committee will convey accuracy in the details and facts, and objectively assess and evaluate the circumstances of the alleged incident in order to render an unbiased decision.

This reference guide provides practical tips on completing a hearing and its processes as well as insight into the committee's decision-making criteria. Finally, it examines the determination of remedies for the final outcome of initiated complaints of Discrimination.

