

Whistleblower Policy

Definitions

1. The following terms in this policy are defined as follows:

- a) **Alternative Dispute Resolution (ADR)** – a voluntary process for addressing disputes outside of formal adjudication, and can include a variety of methods, such as mediation or facilitated conversations. The process may lead to a settlement and is intended to reduce the uncertainty, costs, and other challenges associated with investigations, hearings, and appeals.
- b) **CSSP Participant** – an individual who is affiliated with a *CSSP Sport Organization* and is subject to the Canadian Safe Sport Program (CSSP) under the *SIC* and who has signed the required consent form. *CSSP Participants* may include an *Athlete*, a coach, a director, an official, an *Athlete Support Personnel*, an employee, a *Worker*, an administrator, or a volunteer acting on behalf of, or representing a *CSSP Sport Organization* in any capacity.
- c) **CSSP Sport Organization** – any national sport organization, national multi-sport service organization, Canadian Sport Centre(s) or Institute(s) that has adopted the *CSSP* and has retained the services of the *SIC* for the purposes of administering the *CSSP*.
- d) **Harass or Harassment** – in addition to the definitions under the *UCCMS*, to *Harass* or *Harassment* is a course of vexatious comments or conduct against an *Organizational Participant* or group, which is known or ought reasonably to be known to be unwelcome. *Harassing* behaviours may also be *Maltreatment*. Types of behaviour that constitute *Harassment* include, but are not limited to:
 - i. written or verbal abuse, threats, or outbursts;
 - ii. the display of visual material which is offensive or which one ought to know is offensive;
 - iii. unwelcome remarks, jokes, comments, innuendo, or taunts;
 - 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 cause awkwardness or embarrassment, endanger a person's safety, or negatively affect performance;

- vii. any form of hazing;
 - viii. unwanted physical contact including, but not limited to, touching, petting, pinching, or kissing;
 - ix. unwelcome sexual flirtations, advances, requests, or invitations;
 - x. physical or sexual assault;
 - xi. behaviours such as those described above that are not directed towards a specific individual or group but have the same effect of creating a negative or hostile environment; and/or
 - xii. retaliation or threats of retaliation against an individual who reports *Harassment*.
- e) ***Maltreatment*** – as defined in the *UCCMS*.
- f) ***Organizational Participant(s)*** – refers to all categories of individual members and/or registrants defined in the by-laws of NWT Cycling who are subject to the policies, rules and regulations of NWT Cycling, as well as all persons employed by, contracted by, or engaged in activities with, NWT Cycling including, but not limited to, employees, contractors, *Athletes*, coaches, instructors, officials, volunteers, judges, *Athlete Support Personnel*, managers, administrators, parents or guardians, spectators, committee members, or directors and officers.
- g) ***Prohibited Behaviour*** – as defined in the *UCCMS*.
- h) ***Respondent*** – the party responding to the complaint or an appeal, as applicable.
- i) ***Sport Integrity Canada (SIC)*** - the organization for Canada with the mandate to administer, manage, implement and enforce the *CSSP* on behalf of all sport organizations at the national level that adopt the *CSSP*.
- j) ***UCCMS*** - *Universal Code of Conduct to prevent and address Maltreatment in Sport*, as amended from time to time.
- k) ***Worker*** – any person who performs work for NWT Cycling including employees, managers, supervisors, temporary *Workers*, volunteers, student volunteers, part-time *Workers*, members of the Board of Directors, and independent contractors.

Purpose

2. Cycling NWT is committed to fostering an environment conducive to open communication regarding the business practices of Cycling NWT and to protecting

Workers from unlawful retaliation and discrimination for their having properly disclosed or reported illegal or unethical conduct.

3. To further this commitment, this Policy:
 - a) establishes guidance for the receipt, retention and treatment of verbal or written reports received by Cycling NWT from a *Worker* regarding actions that (i) are illegal, unethical or contrary to Cycling NWT's policies in respect of accounting, internal controls, disclosure, or business practices or (ii) constitute discrimination, harassment, violence or abuse against a *Worker* by a Director or another *Worker*;
 - b) provides Workers who make a report with a means to make reports in a confidential and anonymous manner; and
 - c) demonstrates Cycling NWT's intention to discipline any person who commits an act of retaliation or reprisal against a *Worker* up to and including termination of employment for just cause, in the case of employees.

Application

4. This policy only applies to Workers who observe, or experience incidents of wrongdoing committed by directors or by other Workers.
5. Incidents of wrongdoing or misconduct observed or experienced by *Organizational Participants*, volunteers, spectators, parents of *Organizational Participants*, or other individuals not employed or contracted by Cycling NWT can be reported under the terms of the *Sport Integrity and Complaints Policy* and/or reported to the Organization's Board of Directors or senior staff person to be handled under the terms of the individual *Worker's* Employment Agreement or Contractor Agreement, as applicable, and/or Cycling NWT's policies for human resources.
6. Matters reported under the terms of this policy may be referred to be heard under the *Sport Integrity and Complaints Policy*, at the discretion of the Compliance Officer.
7. Any violation of this Policy that may be considered "*Prohibited Behaviour*" or "*Maltreatment*" (as defined in the *UCCMS*) when the *Respondent* is an *Organizational Participant* who has been designated by a *CSSP Sport Organization* as a *CSSP Participant*, will be handled pursuant to the policies and procedures of the *CSSP Rules*, subject to the rights of Cycling NWT as set out in the *Sport Integrity and Complaints Policy* and any applicable workplace policies.

Wrongdoing

8. Wrongdoing can be defined as:

- a) violating the law;
- b) intentionally or seriously breaching of the *Code*;
- c) committing or ignoring risks to the life, health, or safety of an *Organizational Participant*, volunteer, *Worker*, or other individual;
- d) directing an individual or *Worker* to commit a crime, serious breach of a policy, or other wrongful act; or
- e) fraud.

Pledge

- 9. Cycling NWT pledges not to dismiss, penalize, discipline, or retaliate or discriminate against any *Worker* who discloses information or submits, in good faith, a report against another *Worker* or director under the terms of this policy.
- 10. Any individual affiliated with Cycling NWT who breaks this **Pledge** will be subject to disciplinary action.

Reporting Wrongdoing

- 11. A *Worker* who believes that a director or another *Worker* has committed an act of wrongdoing should prepare a report that includes the following:
 - a) a written description of the act or actions that comprise the alleged wrongdoing, including the date and time of the action(s);
 - b) the identities and roles of other individuals or *Workers* (if any) who may be aware of, affected by, or complicit in, the wrongdoing;
 - c) why the act or action should be considered to be wrongdoing; and
 - d) how the wrongdoing affects the *Worker* submitting the report (if applicable).

Authority

- 12. The following Compliance Officer has been appointed to receive reports made under this policy:

Thorsten Gohl, thor@cyclingnwt.ca

- 13. After receiving the report, the Compliance Officer has the responsibility to:
 - a) assure the *Worker* of the **Pledge**;

- b) connect the *Worker* to the Alternate Liaison if the individual feels that they cannot act in an unbiased or discrete manner due to the individual's role with Cycling NWT and/or the content of the report;
- c) determine if the report is frivolous, vexatious, or not submitted in good faith (e.g., the submission of the report is motivated by personal interests and/or the content of the report is obviously false or malicious) and, if so, inform the *Worker* that no action will be taken on the report and the reasons why the report has been considered frivolous, vexatious, or not in good faith;
- d) determine if the *Whistleblower Policy* applies or if the matter should be handled under the *Sport Integrity and Complaints Policy* or the *CSSP*;
- e) determine if the local police service be contacted;
- f) determine if mediation or alternative dispute resolution can be used to resolve the issue;
- g) determine if Cycling NWT's President and/or senior staff person should or can be notified of the report; and
- h) begin an investigation.

Alternate Liaison

14. If the *Worker* feels that the Compliance Officer is unable to act in an unbiased or discrete manner due to the individual's role with Cycling NWT and/or the content of the report, the *Worker* should contact the following individual who will act as an independent liaison between the *Worker* and the Compliance Officer:

Lisa McShane, lisa@polarpromo.ca

15. The Alternate Liaison will not disclose the *Worker's* identity to the Compliance Officer or to anyone affiliated with Cycling NWT without the *Worker's* consent.
16. A *Worker* who is unsure if they should submit a report, or who does not want to have their identity known, may contact the Alternate Liaison for informal advice about the process.

Investigation

17. If the Compliance Officer determines that an investigation should be launched, the Compliance Officer may decide to contract an external investigator. In such cases, Cycling NWT's President and/or senior staff person may be notified that an investigation conducted by an external investigator is necessary without the nature of the investigation, content of the report, or identity of the *Worker* who submitted the

report being disclosed. Cycling NWT's President and/or senior staff person may not unreasonably refuse the decision to contract an external investigator.

18. An investigation launched by the Compliance Officer, Alternate Liaison or by an external investigator should, generally, take the following form:
 - a) follow-up interview with the *Worker* who submitted the report;
 - b) identification of *Workers*, *Organizational Participants*, volunteers or other individuals that may have been affected by the wrongdoing;
 - c) interviews with such-affected individuals;
 - d) interview with the director(s) or *Worker(s)* against whom the report was submitted; and
 - e) interview with the supervisor(s) of the *Worker(s)* against whom the report was submitted, if applicable.
19. The investigator will prepare an Investigator's Report – omitting names whenever possible and striving to ensure confidentiality – that will be submitted to Cycling NWT's President and/or senior staff person for review and action.

Decision

20. Within fourteen (14) *Days* after receiving the Investigator's Report, Cycling NWT's President and/or senior staff person will take corrective action, as required. Corrective action may include, but is not limited to including:
 - a) enacting and/or enforcing policies and procedures aimed at eliminating the wrongdoing or further opportunities for wrongdoing;
 - b) revision of job descriptions; or
 - c) discipline, suspension, termination, or other action as permitted by the By-laws, territorial employment legislation, applicable policies for human resources, and/or the *Worker's* Employment Agreement or Contractor Agreement.
21. The corrective action, if any, will be communicated to the investigator who will then inform the *Worker* who submitted the report.
22. Decisions made under the terms of this policy may be appealed under the terms of the *Appeal Policy* provided that:

- a) if the *Worker* who submitted the initial report is appealing the decision, the *Worker* understands that their identity must be revealed if they submit an appeal; and
- b) if the director or *Worker* against whom the initial report was submitted is appealing the decision, the *Worker* or director understands that the identity of the *Worker* who submitted the report will not be revealed and that Cycling NWT will act as the *Respondent*.

Confidentiality

- 23. Confidentiality at all stages of the procedures outlined in this policy – from the initial report to the final decision – is the goal for all individuals (the *Worker*, the *Worker(s)*, or director(s) against whom the report is submitted, and the individuals interviewed during the investigation). An individual who intentionally breaches the confidentiality clause of this policy will be subject to disciplinary action.
- 24. In all stages of the investigation, the investigator will take every precaution to protect the identity of the *Worker* who submitted the report and/or the specific nature of the report itself. However, Cycling NWT recognizes that there are some instances where the nature of the report and/or the identity of the *Worker* who submitted the report will or may be inadvertently deduced by individuals participating in the investigation.