

THIRD-PARTY PROFILE AND ROLE

Important Note: This document was prepared by the Sport Dispute Resolution Centre of Canada at the request of several federally-funded sport organizations. Its content is not binding and does not constitute legal advice.

General Profile

- ❖ Qualified to analyze complaints and determine whether they are admissible such as, but not limited to, Certified Human Resources Professionals (CHRP) and practising lawyers.
- ❖ Knowledgeable of all applicable policies of your organization (code of conduct, complaints, anti-harassment, safe sport, discipline, etc.)
- ❖ Independent from your organization (*such that he/she could sign the declaration attached*):
 - **Professionally:** is not a current or recent employee, board member, volunteer or member; does not work within its offices/facilities; has a contact number that is not an extension of the organization's main telephone system; has an email address that does not have the same domain name as others in the organization; if a lawyer, is not the lawyer representing the interests of the organization in other circumstances;
 - **Personally:** is not a family member, business associate/partner, spouse, or friend of any individual subject to the applicable policies; has no vested interest in protecting the organization and its reputation.
- ❖ Able to address complaints professionally in both official languages.
- ❖ Does not have to be a full-time hire, can be retained to be "on call" only when a complaint is filed.
- ❖ **Highly recommended:** Physically working in Canada, to safeguard the personal information relating to the complaints, investigations and disciplinary proceedings (note: USA regulations are not nearly as strict as Canadian privacy laws).

Overview of Role

- ❖ Receives complaints, allegations and concerns of possible breaches of the organization's conduct policies.
- ❖ Determines if a complaint is admissible, e.g.: Is the complainant "protected" by the policy in question? Is the person alleged of a breach "subject" to the policy in question? Did the alleged behavior take place in a context covered by the policy in question? Does the alleged behavior have the potential to put at risk other member(s) "protected" by the policy in question? etc.
- ❖ Preserves the confidentiality of the complaints, allegations or concerns so that no one potentially conflicted in the organization may discover who the complainant is, who the person alleged to have breached the rules is, and what the allegations are about.
- ❖ May report to a designated individual in the organization (chief executive officer or board member) that a complaint was received, or that an investigation must be initiated, but in a completely anonymous fashion and as long as such individual is not involved nor conflicted in the matter at hand;
- ❖ Is given clear guidance on the limits of his/her authority when an investigation is warranted, for example:
 - to obtain a preliminary assessment from one or more investigators prior to recommending a full investigation;
 - to designate who the investigator will be (otherwise the organization pre-selects investigators that the third party is authorized to designate - ex. members of the Investigation Unit);
 - to hire an investigator or a team of investigators (otherwise the organization has a plan for the third party to access an authorized signatory to execute the investigation mandate agreement);
 - to receive a copy of the full investigation report, ensure compliance with the report's recommendations and oversee next steps required by the applicable policies;
 - be in charge of reporting the existence and disposition of complaints, as may be required;
- ❖ Respects the highest standards in preserving confidentiality of the complaints, related documents and personal information, to the extent required by law and by the applicable policies.

DECLARATION OF INDEPENDENCE

for Third-Party Service Provider against Harassment, Abuse and Discrimination in Sport Organizations

I, the undersigned, hereby solemnly declare that, having been retained to receive and address complaints of harassment, abuse and discrimination on behalf of *[insert the name of the organization]*:

herein referred to as “the Organization”.

I AM NOT:

- ✓ a current or recent employee of the Organization;
- ✓ a current or recent member of the Board of Directors of the Organization;
- ✓ a current or recent volunteer of the Organization;
- ✓ a current or recent member of the Organization;
- ✓ under contract with the Organization for any other services than those of third-party reporting;
- ✓ a family member of any individual subject to the applicable policies of the Organization;
- ✓ a business associate/partner/colleague of any individual subject to the applicable policies of the Organization;
- ✓ a spouse or partner of any individual subject to the applicable policies of the Organization;
- ✓ a close friend of any individual subject to the applicable policies of the Organization.

I DO NOT:

- ✓ work within the offices/facilities of the Organization;
- ✓ use a phone number that is an extension of the Organization’s main telephone system;
- ✓ use an email address that has the same domain name as others in the Organization;
- ✓ have any vested interest in protecting the Organization and its reputation.

If I am a lawyer, I AM NOT:

- ✓ the lawyer representing or having recently represented the interests of the Organization in other circumstances;
- ✓ working in the same firm as a lawyer representing or having recently represented the interests of the Organization in other circumstances.

Signed in *[city, province]*: _____

on *[date]* ____/____/____ by:
 YYYY MM DD

Full name: _____

Signature: _____

Declaration and signature witnessed by:

Witness’ full name: _____

Witness’ signature: _____

Witness telephone number *[for validation]*: _____