

# **RBAC**

## **Reporting and Investigations Procedures**

The following information outlines how reports and incidents will be reviewed/investigated and also details expectations for those involved.

### **Preliminary Considerations**

#### **Access Accommodations**

The RBAC is committed to ensuring an inclusive, accessible, and equitable process. Individuals who have a disability and believe they require reasonable accommodations in order to participate in any part of this process should contact the RBAC for assistance.

#### **Statement of Confidentiality**

To the extent possible, RBAC will protect the confidentiality of the person reporting an incident. In particular, if there are details that the reporter would like to keep private, this process is designed to ensure that is done, where possible. Certain incidents that constitute a violation of law must be referred to the appropriate authorities for review (e.g. criminal activity, suspected child abuse, sexual misconduct, unlawful discrimination/harassment, etc.).

At the end of an investigation, only the people directly involved may learn the results and findings. More often than not there will be people that are involved with the matter who are not given specific information about the result of the investigation, including corrective action issued.

When a minor is involved with an incident their parent or guardian must be contacted and involved in the process immediately.

#### **Retaliation**

It is the policy of the RBAC to protect from retaliation any individual who makes a good faith report of an issue or concern. Any individual who takes retaliatory action against someone who makes a good faith report of a suspected violation shall be subject to appropriate disciplinary action, up to and including dismissal from the RBAC.

Any individual who knowingly or intentionally makes a false report of a violation shall be subject to disciplinary action, up to and including dismissal from the RBAC.

### **Process Overview**

#### **Report Filing and Incident Reporting**

##### **Types of Reports**

1. Report filed by RBAC employee:

- a. Connect2 report is filed by an RBAC employee - Connect2 is a cloud based software program that the RBAC uses for gathering incident and accident reports.
  - b. Reports will be filed in Connect2 for consistency and ease of data gathering and analysis. When deemed appropriate additional files or reports may be created to document important information.
  - c. Lifeguard Supervisors are responsible for gathering and entering information in Connect2 when it occurs at the RBAC.
    - i. Note: When appropriate Department Heads and RBAC Executive Leadership will take responsibility for completing reports in Connect2. For example in competitive team related matters.
  - d. When programs are occurring offsite it is the responsibility of that program supervisor/coach to file reports when an incident or accident occurs.
2. Report via online form, phone, or email, by a patron, athlete, parents, etc.
    - a. Designated investigator will contact parties involved and file Connect2 report and determine next steps

### **Review of Initial Report**

1. When a report is received, the RBAC will consider the following:
  - a. Whether the RBAC has jurisdiction over the individuals involved or underlying allegations; and
  - b. Whether the report contains information that, if proven, would constitute a violation of the ONE RBAC Community Agreement or RBAC guidelines; and
  - c. Whether the report requires a formal response, taking into consideration the totality of the information and individuals involved.

### **Investigation Timeline Expectations**

1. Investigations will begin 1 business day after a report is received. Ideally investigations may take 3-5 weeks. However, they can last longer depending on:
  - a. How complicated the report is;
  - b. Timeliness of responses and level of cooperation from the parties involved;
  - c. If the investigator uncovers more incidents to add to the investigation while looking into the matter; and
  - d. Law enforcement or outside counsel needs to be consulted
2. At the request of law enforcement or outside counsel the RBAC may temporarily delay this process

### **Communication Expectations**

1. Report Acknowledgement - Individual(s) who submit a report or file a complaint will be contacted within 1 business days of the receipt of the report acknowledging receipt.
2. Investigation Check-Ins - At the minimum of 1 time every 2 weeks during the course of an investigation individuals involved may receive an email or phone update.
3. Conclusion - At the conclusion of an investigation individuals involved will be informed that the investigation has concluded. Due to privacy concerns more often than not there

will be people that are involved with the matter who are not given specific information about the result of the investigation, including corrective action issued.

4. Notice of Allegations - If necessary, at a time deemed appropriate by the RBAC, individuals who have been alleged to have violated the Community Agreement or RBAC guidelines may be contacted and provided with a summary of the alleged violations.

## Information Gathering and Investigation

### Investigators

Investigators for incidents will be assigned based upon who is involved with the report.

| Parties Involved              | Investigators   |
|-------------------------------|---|
| Patron v. patron              | Chief Operating Officer (COO)                                   |
| Employee v. patron            | Chief Financial Officer (CFO) & HR Manager                      |
| RBAC Coach v. athlete         | Program Head Coach, CFO, HR Manager                             |
| Program Head Coach v. athlete | Executive Directors, CFO, & HR Manager                          |
| Athlete v. athlete            | Program Head Coach, Executive Director                          |
| Athlete v. non RBAC athlete   | Program Head Coach, Executive Director, National Governing Body |
| Employee v. employee          | CFO & HR Manager  |
| Executive Director            | Assigned by RBAC Board of Directors Executive Committee         |

All investigations will receive support and oversight from RBAC Executive Leadership (i.e CFO, COO, or Executive Director). Where applicable respective national governing bodies and appropriate law enforcement agencies will be involved.

### Fact Gathering and Interviews

The Investigator responsible for gathering information directly related to the allegations raised and will conduct an investigation which includes:

1. Interviewing the individuals involved;
2. Interviewing witnesses; and
3. Gathering other evidence.

### Inclusion of Relevant External Information

As part of the RBAC's compliance with the legal requirement of undertaking thorough and credible investigations regarding any complaints made by employees, patrons, volunteers, vendors or any stakeholders, the RBAC must pursue, obtain and include relevant outside

information, from credible sources, that arises during the investigative process. The RBAC's commitment to ensure a comprehensive and unbiased assessment, requires consideration of all pertinent information that may impact the outcome of an investigation.

### **Record Retention**

An investigation report will be created to store all relevant information. Reports will be retained for a minimum of 7 years.

### **Resolution phase**

Each report received is handled individually and possible resolution types include:

1. Mediation and Agreement between parties. This is possible when:
  - a. Individuals involved agree to attempt to find a resolution and to place the process on hold for a reasonable period while pursuing an alternative resolution.
  - b. The RBAC believes that the agreed-upon form of alternative resolution is appropriate.
2. RBAC issues corrective measures:
  - a. Verbal or written warning
  - b. Suspension
  - c. Restricted access to facility or program based upon time, day, or other qualifications deemed necessary
  - d. Removal/Expulsion from program or RBAC
  - e. Other as deemed necessary or appropriate

### **Appeals**

Individuals involved may appeal decisions made within fourteen (14) days of the notice of decision. Appeals should be made in writing to the Executive Director. In the event the Executive Director is involved in a case the appeal can be made to the Chair of the RBAC Board of Directors.

An appeal is generally only accepted for one or more of the following:

1. To determine whether there was any procedural irregularity that affected the outcome of the matter;
2. To determine whether the action plan imposed was appropriate for the violation(s);
3. To determine whether the finding is not supported by the preponderance of the evidence; and/or
4. To consider new information that could alter a decision.

Results of an appeal may include:

1. Upholding of decision
2. Modifying of decision

Absent extenuating circumstances once an appeal has been heard and responded to the matter will be closed.

### **Post Event Check In**

Maintaining contact with individuals and groups affected after an incident is part of the role of the RBAC staff member assigned to each matter. Depending on the situation and needs of those involved a plan to check in with affected parties will be created and implemented.

### **Annual Reporting Summaries**

Each year the DEI and Community Outreach Committee may produce an annual report highlighting efforts the committee and organization have made to examine, discuss, and work on issues of diversity, equity, and inclusion to help create, nurture, and sustain an environment and culture of belonging at the RBAC.

Potential reporting opportunities at it relates to this reporting structure include:

1. Reports received by program area, nature of incidents, age groups, etc.
2. Active reports
3. Closed reports

## Appendix A: Report Content

1. Background information
  - a. Your full name:
  - b. Your phone number:
  - c. Your email address:
  - d. Your physical address:
  - e. Type of incident?(Required):
    - i. Assault
    - ii. Bias Incident
    - iii. Bullying
    - iv. Cyberbullying
    - v. Harassment
    - vi. Other
  - f. Date of incident(Required):
  - g. Time of incident (Required):
  - h. Where did the incident happen?(Required):
2. Involved Parties
  - a. Involved party 1
  - b. Name or Program
  - c. Select Role
3. Witness Information
  - a. Witness 1:
  - b. Witness 2:
  - c. Add more information/witnesses as needed:
4. Report
  - a. Please detail everything you know or can recall about this incident. If you feel comfortable, include information about who was involved. Please provide as much information as you can.(Required)
  - b. What program are you involved with at the RBAC? (Required)
5. Do you believe this was a bias incident based on...(Required)
  - a. Age
  - b. Race/Ethnicity
  - c. Gender/Gender Identity/Gender Expression
  - d. Marital Status
  - e. Mental, Developmental, and Physical Ability
  - f. National Origin/Nationality
  - g. Religion/Creed
  - h. Familial Status
  - i. Medical Condition
  - j. Sexual Orientation
  - k. Veteran Status
  - l. Immigration Status
  - m. Language Preference

- n. Physical Appearance
  - o. If you believe this was a bias incident based on something other than the list above, please provide the information below:
6. May we contact you for additional information? Please note that our ability to respond will be enhanced by your willingness to be contacted. If you respond yes, the appropriate individual will be in contact with you within the next business day for more information and to help identify a support network based on your needs/desires.(Required)
- a. Yes
  - b. No
7. Supporting Documentation
- a. Photos, video, email, and other supporting documents may be attached below. 5GB maximum total size.