

General Dispute Reporting and Resolution Procedure

Overview

This General Dispute Reporting and Resolution Procedure (this “Procedure”) is designed to help Skate Ontario take every reasonable measure to promote and maintain a safe, inclusive and respectful environment. This Procedure standardizes the measures and procedures to meet the obligations as set out in the [General Dispute Reporting and Resolution Policy \(the “Policy”\)](#), it ensures that individuals have a process to report general disputes, it instills confidence that there will be no retaliation or reprisal for reports made in good faith; and it mandates that reports will be investigated and dealt with in a fair and timely manner, respecting the privacy of all concerned as much as reasonably possible.

Procedure Scope/Applicability

This Procedure implements the [Skate Ontario General Dispute Reporting and Resolution Policy](#) and is intended to ensure an appropriate and timely investigation and resolution of general disputes received through the reporting process.

This Procedure applies to all individuals, as defined in [the Policy](#) and within this Procedure.

This Procedure applies to general disputes between or amongst individuals to whom this Procedure applies, as defined within this Procedure, that can be escalated to Skate Ontario after every effort has been made to resolve the general dispute amongst themselves at the appropriate club/skating school through their dispute policies and procedures (see Procedure Steps below for complete details on the escalation process to Skate Ontario).

To meet the guiding principles as established in [the Policy](#), this Procedure sets out the process for the reporting, investigation and resolution management processes including:

- initiation of general disputes, including the reporting process and timelines;
- initial assessment to determine the appropriate process to be followed;
- a resolution process, including investigation as applicable and response; and
- decision, including disciplinary action as applicable and appropriate appeal process.

Definitions

Certain terms used herein may not be capitalized; however, for the purposes of this Policy, the following terms herein have the ascribed meanings as set forth below. In addition, all references to the singular include the plural and vice versa.

Board, pursuant to the Bylaws, means the board of directors of Skate Ontario.

Bylaws, mean the [Bylaws of Skate Ontario](#) that govern the organization outlining the rights, roles and responsibilities of the Board and members.

Case Manager, means a senior member of the Skate Ontario staff responsible for managing each complaint filed with Skate Ontario through the General Disputes Reporting and Resolution Procedure.

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Club means a not-for-profit organization that is operating for the general purpose of providing Skate Canada and Skate Ontario programs and is managed by a volunteer board of directors.

coach means a skating expert with the required National Coaching Certification Program qualifications to provide services at Skate Ontario sanctioned clubs and skating schools, both on and off-ice. These individuals shall have registered, provided full payment and have met all professional coach registration requirements as set annually by Skate Canada.

decision means the conclusions and actions to be taken as determined by the Case Manager at the end of the resolution process.

general dispute means a disagreement between parties to whom this Policy applies: in respect of a matter of governance or contract which has a material adverse effect on the figure skating environment in which Skate Ontario/Skate Canada programs are delivered, and/or where an individual has committed a serious breach of the membership rules, regulations and/or policies of Skate Ontario/ Skate Canada.

individual, means a person, and includes registrants, volunteers, parents/guardians of skaters (including minor skaters), as well as persons engaged in activities, events/competitions and programs with and/or hosted by Skate Ontario, including, but not limited to, directors of the Board, members of the standing committees of the Board, members of the operating committees of Skate Ontario and officers of Skate Ontario.

internal Investigator, means Skate Ontario staff person who will assist the Case Manager with collecting all relevant information from all parties concerned with a complaint and providing an analysis of all information collected.

Law, means any applicable legislation, statutes, regulations, policies, rules and codes of conduct established by government, legal or regulatory authority, or by any self- regulated industry association by which Skate Ontario is or has agreed to be bound.

member, pursuant to the Bylaws, means each club or skating school that meets the requirements of the Bylaws and that has been duly admitted as a member of Skate Ontario.

Misconduct, means acts, conduct and/or behaviours that result in or have the potential to result in physical or psychological harm, which for the purposes of Policy includes: maltreatment, behaviours, acts and/or conduct of abuse including physical, psychological, and sexual; neglect; grooming; and interference or manipulation with the processes related to the implementation of this Policy, including retaliation, aiding and abetting, failure to report maltreatment of a minor, failure to report inappropriate conduct, and intentionally filing a false allegation, abuse of authority, bullying, harassment, and discrimination.

minor, means a child under the age of majority and as defined in the province of Ontario, as may be amended from time to time. It is the responsibility of all to know the age of a minor.

Notice of Appeal, means a formal notice served by the individual informing Skate Ontario of their intention to request review of a decision.

Safe Sport, means a program designed to protect the safety and welfare of all participants through prevention, comprehensive policies and protocols, risk identification and management, education, training, resources and communication.

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skater, means (i) a person who is registered at a club or skating school with Skate Canada and Skate Ontario and who is subject to all applicable rules, regulations and policies of Skate Canada and Skate Ontario but who is not a member; and (ii) a person who is engaged in any activity provided, sponsored, supported, sanctioned or recognized by Skate Ontario and registered directly with Skate Canada and Skate Ontario but who is not a member.

skating school, pursuant to the Bylaws, means an organization other than a club that is operating for the general purpose of providing Skate Canada skating programs.

Procedure Steps

Skate Ontario works with Ontario clubs and skating schools, each having their own general dispute resolution process. General disputes must first be directed to the club/skating school level where the general dispute originated, and the individuals involved in the matter must make every reasonable effort to pursue and resolve the general dispute amongst themselves through the appropriate club/skating school's dispute resolution policy and procedure.

After every reasonable effort has been made to resolve a general dispute, as set out above, a general dispute can be escalated to Skate Ontario as the next step in the resolution process.

Skate Ontario also retains the right to initiate a general dispute at the Skate Ontario level and/or intervene in a general dispute at the club/skating school level. Skate Ontario may escalate club/skating school general disputes if it is of the view that a circumstance has arisen which is sufficiently serious and significant as to be of importance to skating and/or to the overall ability of Skate Ontario to discharge its objectives.

General Dispute Reporting Process

A general dispute may be reported through one of two methods to Skate Ontario:

1. A general dispute may be reported to Skate Ontario via email to complaints@skateontario.org.
2. An issue/complaint may be reported to Skate Canada by email to safesport@skatecanada.ca or by telephone to 1-888-747-2372.

If Skate Canada determines the complaint to be a general dispute, it may be referred to Skate Ontario for further investigation and resolution.

If the complaint contains any allegations of misconduct, the complaint will be automatically redirected to the Skate Canada external independent third-party Case Manager process by way of the following channels:

Online: www.skate-safe.ca

Telephone: +1-833-723-3758

The general dispute report must contain as much information as possible about the dispute of concern, including but not limited to dates, times, locations of the dispute (as applicable), names of any witnesses to the dispute(s) and a detailed description of the dispute.

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The general dispute report must be made in writing by email to Skate Ontario within thirty (30) days of the occurrence of the dispute, although this timeline can be waived or extended at Skate Ontario's sole discretion. To encourage timely and appropriate resolution, any dispute reported more than six (6) months after the interaction, incident, event or situation experienced or witnessed may not be accepted if the situation is such that an appropriate investigation is no longer feasible.

Assessment Process

When a general dispute is reported by one of the two methods set out above, Skate Ontario will assess the information received with the objective of determining if the general dispute should be resolved:

- a. at the club/skating school level, if reasonable efforts to pursue and resolve amongst themselves at the level at which the situation originated were not previously pursued;
- b. by Skate Ontario informally through a discussion and/or an early resolution facilitation process; or
- c. by Skate Ontario formally by initiating an investigation per this procedure. Skate Ontario reserves the right to engage, at its sole discretion, the assistance of an outside investigator, mediator, and/or other available means in the investigation process.

Following a determination by the Skate Ontario Case Manager that a general dispute reported should be accepted and resolved by Skate Ontario, timelines will be established by Skate Ontario to ensure procedural fairness and timely resolution.

Upon Skate Ontario's acceptance of a general dispute, a receipt of acknowledgement will be provided to the complainant and notice will be provided to any other affected party that a general dispute has been reported and the resolution process has been initiated.

Resolution Process

When a general dispute is reported to and accepted by Skate Ontario, as determined by the Case Manager, Skate Ontario will lead the appropriate and applicable resolution process and arrive at a final decision.

The internal Investigator will proceed to review the file, recommend steps to be taken to the Case Manager and proceed with an investigation as directed by the Case Manager.

The use of an independent third-party investigator and/or subject matter experts may be sought to support and/or develop a resolution process for the general dispute, if necessary. Any costs associated with an investigation will be absorbed by Skate Ontario.

The Case Manager and Internal Investigator will take appropriate steps to work with the parties to address the dispute with the objective of arriving at a mutually agreed upon resolution. What is appropriate will depend on the nature of the dispute and other relevant circumstances. The process may include, but is not limited to, an investigation, and interviewing the complainant and respondent as well as any witnesses and other individuals necessary to obtain sufficient information upon which to make an assessment and informed decision.

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If appropriate, depending on the assessment and nature of the general dispute, Skate Ontario, at its sole discretion will attempt to support the parties in the resolution of the issue(s) informally or formally, through methods that may include, but are not limited to, the following means:

- i. communication with individual(s);
- ii. early resolution facilitation;
- iii. mediation; and/or
- iv. arbitration.

If at any time during the resolution process the dispute can be resolved to the satisfaction of the complainant and in a manner acceptable to the respondent and Skate Ontario, the resolution will be documented, with a copy provided to both the complainant and the respondent.

The circumstances of the general dispute and resolution steps throughout the process will be documented in detail by the Internal Investigator, including a summary of the complaint and response(s) of the respondent and any witnesses.

Once the investigation is completed, an investigation report will be prepared by the Internal Investigator and submitted to the Case Manager for review.

Once the investigation report has been reviewed, the Case Manager will prepare a decision which will include a summary of the process that has been undertaken, the findings of the investigation/review and where applicable, may include corrective actions to be taken by one or more of the involved parties and/or disciplinary sanctions as determined by the Case Manager.

Sanctions more severe than a reprimand will be first recommended to the Executive Director for approval.

In any instance where it is recommended that the sanction should include temporary suspension of membership or termination of membership, this recommendation must be presented to the Board for a final decision.

In cases where it has been determined sanctions should be taken against a coach, those recommendations will be sent to Skate Canada for final resolution.

If it is determined through the resolution process that an individual has made a false general dispute or made the general dispute with the intent to harm another individual, this will be investigated separately and disciplinary action may be taken.

Decision

The complainant and the respondent, and other parties as applicable, will be notified of the findings and the conclusions made as a result of the investigation. Whenever any individual is found to have engaged in conduct that constitutes a breach of Skate Ontario policies, including but not limited to the Code of Ethics Policy, Skate Ontario will take appropriate disciplinary and remedial action to address and correct the situation.

The decision will be distributed by registered mail or email to all applicable parties, including information on the appeal process, as applicable, not more than thirty (30) days following the decision, if one is issued, and in all other cases, within sixty (60) days of the date the general dispute was accepted, unless other timelines have been established and the parties have been notified of the same.

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Disciplinary Action

Disciplinary steps range from informal (e.g. a verbal or written reprimand/warning and/or education) to formal (e.g. probation, privileges of membership may be temporarily suspended, registrant participation be restricted, suspended or cancelled) and from less serious to more serious up to and including permanent suspension/expulsion, or any other sanctions/penalties that Skate Ontario deems appropriate and proportional.

Remedial steps that may be recommended range from a verbal or written apology, verbal or written warning, letter of reprimand on the respondent's membership file, etc. to a defined requirement (e.g., payment of a fine/levy, probation, requiring formal counselling or training curriculum, etc.).

Records of all decisions and supporting documentation (including, without limitation, reports, initial assessment, investigation reports, resolution, corrective action, etc., as applicable) will be maintained by Skate Ontario in a secure location and in accordance with Skate Ontario's Record Retention Policy.

Appeal Process

Appeals may only be submitted based on procedural grounds as stipulated in the General Disputes Reporting and Resolution Policy.

The individual appealing the decision will bear the onus of proof in the appeal, and must demonstrate, on a balance of probabilities, that the decision-maker has made an error. In addition, the individual appealing the decision must have abided by the terms of the resolution process in all respects, including complying with the confidentiality restrictions as outlined in this Policy.

The decision is final and binding on all parties, subject to the right for an independent appeal.

- Decisions of the Case Manager may be appealed to the Skate Ontario Executive Director.
- Decisions of the Skate Ontario Executive Director may be appealed to the Skate Ontario Board of Directors.
- Decisions of the Board of Directors may be appealed to Skate Canada, in accordance with the relevant Skate Canada policies and procedures.

A decision may be appealed by delivering a written Notice of Appeal addressed as outlined below within fifteen (15) days from the date that the initial general dispute decision letter is sent by registered mail or email to the individuals involved. The Notice of Appeal must indicate:

- intention to appeal;
- name and address of individual appealing;
- identity of the individual whose decision is being appealed and any affected parties;
- copy of the decision being appealed or description of decision if a written decision or document is not available;
- grounds for the appeal as outlined in the policy;
- why the sanction is inappropriate; and
- all evidence to support their position of appeal.

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Appeals can be submitted as follows:

Attention: Case Manager via email to complaints@skateontario.org
Subject Line: Appeal of Decision dated DD/MM/YYYY

Any documentation which the parties wish to have considered as part of the appeal must be in writing and provided to all parties, including the Case Manager, within fifteen (15) days from the date that the decision letter is sent by registered mail or email to the individuals involved.

When an appeal is escalated to the Board, in addition to any other powers properly conferred upon the Board as part of the Bylaws of Skate Ontario, the Board shall have the power to:

- i. dismiss the appeal summarily and without formal investigation if it determines that the appeal is frivolous or vexatious; or
- ii. affirm, reverse, nullify/cancel, or modify the decision appealed from, including, but not limited to, the following:
 - lift suspension with no restrictions;
 - lift suspension with restrictions; or
 - confirm suspension and/or expulsion.

The written appeal decision by the Board including any actions, as applicable depending on the outcome of the appeal, will be rendered within sixty (60) days of receipt of the Notice of Appeal. The appeal decision, including as applicable any disciplinary and/or corrective action to be taken as a result of the decision, will be delivered via registered mail or email to all applicable parties and the Skate Ontario Executive Director. The date on which the Board sends the written decision via registered mail or via email to the applicable parties will be deemed to be the date on which the appeal decision was rendered.

An appeal decision of the Board is final and binding on all parties, subject to the right for an independent appeal to Skate Canada.

The decision of the Board of Directors may be appealed to Skate Canada in accordance with the applicable Skate Canada policies and procedures as they relate to general disputes.

Individuals also retain the right to exercise any other legal avenue that may be available.

After completion of the appeal process, the Board will return all copies of the documentation from the appeal process, including any notes taken by the Board during the appeal, and a copy of the appeal decision, and any disciplinary and/or corrective action to be taken to address the complaint or the appeal decision as applicable, to Skate Ontario for safe-keeping in a secure location in accordance with Skate Ontario's Record Retention Policy.

Controls and Monitoring

The primary controls and monitoring mechanisms for this Procedure are as follows:

- i. Establishment, oversight and continuous updating of policies, procedures and guidelines for best practices related to Safe Sport, as applicable.

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- ii. Assessment of the effectiveness of the evaluation system that regularly monitors the effectiveness of initiatives in Safe Sport.
- iii. Quarterly reports to the Board on the number of reports received and trends regarding general disputes.
- iv. Education and training requirements, as prescribed from time to time.
- v. Attestation process to the compliance of all policies every three (3) years by the ED, in accordance with the Policy Management Policy, including this Policy.

Governance / Oversight

This Procedure is reviewed and approved at a minimum every three (3) years in conjunction with the Policy, or sooner if there are legislative or regulatory changes, as part of policy review and validation in accordance with the Policy Management Policy.

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