



# General Dispute Reporting and Resolution Policy

## Policy Statement

Skate Ontario (SO) places the highest priority on ensuring there is a safe, professional, inclusive, and respectful environment for all stakeholders and the General Dispute Reporting and Resolution Policy (“Policy”) has been established to ensure such an environment. This Policy promotes awareness, fairness, equity, transparency, prevention and the appropriate timely response and resolution of reported violations to this Policy.

Critical to creating and maintaining a safe environment includes the establishment of preventative measures; as well as accessible reporting and resolution mechanisms to ensure fair and equitable treatment of all stakeholders.

This Policy encourages the fair and impartial management of general disputes and is intended to encourage and enable all stakeholders to whom this Policy applies to submit and respond to concerns classified as a general dispute in nature. General disputes include matters such as breach of contracts and of SO/Skate Canada rules, regulations, and/or policies.

## Background / Rationale

This Policy is designed as a control to help safeguard the environment, welfare, and rights of everyone involved in skating in Ontario. The focus of this Policy is on the collective roles, responsibilities, and practices of everyone involved in any skating activities in the Province of Ontario. This includes the critical role of clubs, skating schools, SO and Skate Canada, to work together in partnership to ensure an optimal operating environment where the safety of all stakeholders is always a priority. Specifically, it is imperative that each respective organization in the skating community work to ensure that there is a timely and appropriate response to general disputes. It is in the interest of all stakeholders that such concerns be reported in good faith so that they can be properly addressed and corrected if required.

## Scope/Applicability

This Policy applies to all stakeholders, including reports and responses from stakeholders as defined within this Policy.

This Policy applies to general disputes between or amongst stakeholders, as defined within this Policy, in accordance with SO’s General Dispute Reporting and Resolution Procedure (“Procedure”), after every effort has been made to resolve the general dispute at the club/skating school level through the club/skating school’s general disputes policies and procedures. To this extent, parties must attempt early resolution facilitation or mediation for a general dispute, before appealing the general dispute to SO, unless it is deemed that it would cause harm to one or more of the parties. Each club and skating school are required to establish its own general dispute policy and corresponding procedure.

This Policy also applies to reports/claims from or between stakeholders to whom this Policy applies.

This Policy applies to matters that may arise during the club’s/skating school’s or SO’s business, activities, and events including without limitation competitions, practices, travel associated with club/skating school/SO activities, and any meetings.

This Policy may also apply to an stakeholders’ conduct outside of SO’s business, activities, and events when such conduct:

- a) adversely affects relationships within SO/Skate Canada (and its work and sport environment)
- b) is detrimental to the image and reputation of SO/Skate Canada; and/or



# General Dispute Reporting and Resolution Policy

- c) is sufficiently serious and significant as to be of general importance to skating and/or of general importance to the overall ability of SO to discharge its objectives.

Note: The applicability of the stakeholders' conduct outside of SO business, activities, and events will be determined by SO at its sole discretion on a case-by-case basis.

Violations of any SO policies may result in a warning, reprimand, restrictions, suspension, or other disciplinary actions up to and including expulsion, as applicable and appropriate, and/or as permitted by the Bylaws of SO and/or Skate Canada. For coaches, a violation may also result in a status change to 'not in good standing' or such other status as may be in place from time to time.

This Policy establishes the Procedure and is designed to ensure an appropriate and timely resolution of reports of general disputes.

This Policy does not apply to matters where there are other SO policies in place, including but not limited to the policy on anti-doping, and appeals related to the team selection and carding processes.

## Guiding Principles

The guiding principles set out below provide the framework for this Policy.

- Promoting a Safe Sport environment and culture, including the security, safe practices, and treatment of stakeholders with respect, dignity, fairness, and inclusion, in support of our core values,
- Protecting the safety and welfare of all stakeholders through preventative measures, including comprehensive policies and protocols, risk identification and management, education, training, resources, communication, and awareness,
- Ensuring and supporting an accessible reporting and resolution process that is confidential, compassionate, fair, comprehensive, transparent, and independent; ensures timely resolution; and is without reprisal for general disputes.

## 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.

**Arbitration:** means a quasi-judicial process in which a third party renders a decision after receiving and hearing evidence from the parties involved in the dispute. The decision is binding on all parties. In arbitration, the disputing parties agree that an arbitrator can decide about the dispute after receiving their evidence and arguments from the parties.

**Board:** pursuant to the Bylaws, means the board of directors of SO.

**Bylaws:** mean the **Bylaws of SO** that govern the organization outlining the rights, roles and responsibilities of the Board and members.



# General Dispute Reporting and Resolution Policy

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

**Club:** means a not-for-profit organization that is operating for the general purpose of providing Skate Canada and SO 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 SO sanctioned clubs and skating schools, both on and off-ice. These stakeholders shall have registered, provided full payment, and have met all professional coach registration requirements as set annually by Skate Canada.

**Costs:** Costs for dispute resolution include the cost of the facilitator or mediator and any other facility and hosting costs.

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

**Early resolution facilitation:** Is an informal dispute resolution process whereby a neutral third-party facilitator who is a professional mediator facilitates communication with parties to help them reach a resolution. In this process the parties make the decisions, and the facilitator guides the conversation.

**Early resolution facilitator:** The resolution facilitator is a professional mediator whose role is to provide a forum for parties to openly communicate with one another and, where possible, guide them to an amicable settlement.

**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 SO/Skate Canada programs are delivered, and/or where an stakeholders has committed a serious breach of the membership rules, regulations and/or policies of SO/ Skate Canada.

**Interest-based Mediation** means a process where an independent mediator facilitates a dispute between parties. The mediator helps the parties communicate and negotiate more respectfully, efficiently, and effectively to create an agreement. In interest-based mediation, the mediator has no decision-making authority – it is the parties' responsibility to make the decisions and create the agreement.

**Interest-based Mediator** means an independent third-party who is a knowledgeable, neutral, process manager who is trained in conflict resolution and mediation.

**Internal Investigator:** means SO 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 SO 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 SO.



# General Dispute Reporting and Resolution Policy

**Misconduct:** means acts, conduct and/or behaviors that result in or have the potential to result in physical or psychological harm, which for the purposes of Policy includes: maltreatment, behaviors, 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 stakeholders informing SO of their intention to request review of a decision.

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

**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.

Stakeholders: include athletes, coaches, officials, team managers, contractors, employees, directors, committee members, volunteers, and stakeholders

## **Stakeholders:**

Stakeholders include athletes, coaches, officials, team managers, contractors, employees, directors, committee members, volunteers, and participants.

## **No Retaliation for good faith reports**

Retaliation against a stakeholder who has reported an incident in good faith will not be tolerated and one who retaliates is subject to disciplinary action, up to and including expulsion from membership in SO and/or Skate Canada.

## **Acting in good faith**

Anyone reporting a concern must be acting in good faith and have reasonable grounds for believing the information being reported is true and accurate. Any allegations that prove not to be substantiated and prove to have been malicious or intentionally false will be viewed as a serious offence, subject to disciplinary action up to and including expulsion from membership in SO and/or Skate Canada.

## **Review and Investigation**

Upon receipt of a complaint, the complaint will be assessed and reviewed by the SO Investigator and Case Manager to determine:

- if every effort was made to resolve the general dispute at the club/skating school level through the club/skating school's general disputes policies and procedures, and
- The parties attempted early resolution facilitation or mediation for a general dispute, before appealing the general dispute to SO.



# General Dispute Reporting and Resolution Policy

In the instance that parties did not attempt early resolution facilitation or mediation the Investigator or Case Manager will assess if:

- there was a reasonable possibility that a facilitation or mediation may cause harm to one or more of the parties, and
- The club or skating school followed its own general dispute policy and corresponding procedure.

Once a full assessment of the dispute has been conducted the Investigator and Case Manager will determine:

- what level the general dispute should be resolved at,
- the merits of the complaint and
- the most appropriate resolution process in accordance with the Procedure.

## Costs

If during the assessment SO determines that the dispute will be addressed by SO and not sent back to the local Club or Skating school, the cost formula that is in the procedures will be used to determine how parties will pay for the cost of processing the dispute.

## Decisions / Sanctions

After reviewing the matter pursuant to the Procedure, a determination will be made by the Case Manager regarding whether a violation of this Policy and/or related SO or Skate Canada policies and procedures has occurred.

The Case Manager will determine what actions, if any, must be taken by one or more of the involved parties. In most cases, measures will be limited to corrective actions to be taken to prevent future instances of similar violations.

If it is determined that sanctions should be imposed, sanctions imposed will be proportionate to, and reflective of, the nature and severity of the violation, and may involve one or more of a series of disciplinary measures, including suspension or expulsion from membership in SO and Skate Canada.

Sanctions more severe than a reprimand will be first recommended to the SO Executive Director who will approve any such sanctions.

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 SO Board of Directors for a final decision.

In instances where there is multiple or repeat complaints of a similar nature against a specific party, sanctions imposed by SO will be more severe if SO, finds a party has not/will not take the appropriate/required corrective action as communicated in the decision of the original complaint.

## Appeal Process

The decision of SO related to this Policy may be appealed, only in accordance with this Policy and the Procedure, if and as applicable.



# General Dispute Reporting and Resolution Policy

Not all decisions may be appealed. Decisions may only be appealed on procedural grounds where it has been demonstrated that:

- a decision was made outside of the SO's authority or jurisdiction, as set out in SO's governing documents.
- procedures were not followed as laid out in the Bylaws or approved policies of SO.
- a decision was influenced by bias, where bias is defined as a lack of neutrality to such an extent that the decision-maker is unable to consider other views, or that the decision was influenced by factors unrelated to the substance or merits of the decision.
- discretion was exercised for an improper purpose.

An appeal of any decision and/or sanction imposed by the Case Manager may be appealed to the Executive Director.

Any decision of the Executive Director may be appealed to the SO Board of Directors.

Decisions of the Board may be appealed to Skate Canada in accordance with the applicable Skate Canada policy.

## Confidentiality

Once a general dispute has been reported and until a decision is released, to protect the interests of all parties, no stakeholder is permitted to disclose either the existence of a complaint or confidential information or records that form part of the investigation of the complaint to any stakeholders outside of the complaint except as strictly required for the purposes of investigating, taking corrective action with respect to the complaint or as otherwise compelled by law. SO, as applicable, shall be required to maintain the confidentiality of the general dispute, inquiry or record thereof, including contents of meetings, interviews, results of investigations, the discipline and other information only to the extent practical and appropriate. There may be cases that confidentiality is not feasible, including but not limited to, where an immediate temporary suspension of membership or registration is required pending the outcome of the investigation and disciplinary process and/or final decision on the outcome of the investigation.

For further information regarding the use of confidential information, please refer to the SO Confidentiality Policy.

In certain circumstances, SO is obligated by law or by order of a tribunal of competent jurisdiction to disclose confidential information regardless of whether consent is provided.

Any breach of the confidentiality requirements as outlined herein will be treated as a serious offence. The stakeholder(s) who breached the confidentiality requirements may be subject to disciplinary action, at the sole discretion of SO, up to and including expulsion from membership in SO and/or Skate Canada.

## Timelines

If the circumstances are such that a timely resolution is not possible, SO (depending on the nature of the report) may direct that the timelines as outlined in the Procedure be revised.

## Records and Distribution of Decisions



# General Dispute Reporting and Resolution Policy

Records of all decisions, including all supporting documentation (investigation reports, any corrective action taken, notes, etc.), will be maintained by SO, in a secure location in accordance with the SO Record Retention Policy.

## Roles and Accountabilities

To achieve and support a Safe Sport environment, all stakeholders are required to understand and comply with this Policy.

## Skate Ontario

SO will take all reasonable steps to implement the necessary preventative measures and respond to any reported general dispute.

SO will collaborate with the provincial government, Skate Canada, as well as applicable partners to support and advance Safe Sport programs.

## Board

The Board has overall accountability for the approval and oversight of this Policy to ensure that the Policy is consistent with the strategic direction, objectives, and strategic plans of SO.

## Executive Director

The Board has assigned the responsibility for the implementation of this Policy and the Procedure to the Executive Director (the “ED”), including ensuring the organization has the appropriate resources to develop ongoing prevention measures, operational procedures and practices for Safe Sport, the development of an evaluation system that regularly monitors the effectiveness of initiatives in Safe Sport and an ongoing and ever evolving communication and partnership strategy within the skating community to ensure a Safe Sport environment for all of our stakeholders.

## Chief Operating Officer (reporting to the ED)

The Chief Operating Officer (the “COO”), has responsibility of the Operations department of SO. This responsibility includes the oversight of Safe Sport. The COO is also responsible for the implementation and ongoing evolution (subject to Board approval), application and maintenance of this Policy and the Procedure to meet the Policy goals as outlined under “Guiding Principles” within the Scope/Applicability section of this policy.

## Stakeholders

All stakeholders are responsible to:

- be familiar with and understand the provisions of this Policy, the supporting Procedure, the SO Codes of Conduct, as well as other applicable SO policies and protocols, including those specifically identified in this Policy.
- treat everyone with professionalism, respect, inclusiveness, dignity, and fairness in alignment with our core values.
- support SO’s vision of providing the safest possible environment for all our stakeholders in the skating community.



# General Dispute Reporting and Resolution Policy

- report any wrongdoing or concerns as outlined in this Policy.
- protect all stakeholders who report general disputes from retaliation or reprisal; and
- take all applicable education and training, as prescribed from time to time.

## Controls and Monitoring

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

1. Establishment, oversight and continuous updating of policies, procedures and guidelines for best practices related to Safe Sport, as applicable.
2. Assessment of the effectiveness of the evaluation system that regularly monitors the effectiveness of initiatives in Safe Sport.
3. Quarterly reports to the Board on the number of reports received and trends regarding general disputes.
4. Education and training requirements, as prescribed from time to time.
5. 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.

## Exceptions

There are no exceptions to this Policy.

## Governance / Oversight

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

## General Dispute Reporting and Resolution Procedure

### Overview

This General Dispute Reporting and Resolution Procedure (this “Procedure”) is designed to help SO 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 stakeholders 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 SO 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 stakeholders, as defined in the Policy and within this Procedure.

This Procedure applies to general disputes between or amongst stakeholders to whom this Procedure applies, as defined within this Procedure, that can be escalated to SO after every effort has been made to resolve the general





# General Dispute Reporting and Resolution Policy

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 SO).

To this extent, parties must attempt early resolution facilitation or mediation for a general dispute, before appealing the general dispute to SO, unless it is deemed that it would cause harm to one or more of the parties.

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:

- determining if parties attempted early resolution facilitation or mediation for a general dispute, before appealing the general dispute to SO,
  - if parties did not attempt early resolution facilitation or mediation SO will determine if there was a reasonable possibility that a facilitation or mediation may cause harm to one or more of the parties.
- 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.

## Procedure Steps

SO, 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 stakeholders 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. To this extent, parties must attempt early resolution facilitation or mediation for a general dispute, before appealing the general dispute to SO, unless it is deemed that it would cause harm to one or more of the parties.

Please go to the SO Dispute Resolution Toolkit to help prepare for early resolution facilitation and mediation. [\[link\]](#) This resource provides parties guidance on:

- the process,
- how to arrange an early resolution facilitation and mediation, how to prepare to participate in a negotiation, facilitation, or mediation.

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

SO also retains the right to initiate a general dispute at the SO level and/or intervene in a general dispute at the club/skating school level. SO 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 SO to discharge its objectives.

## General Dispute Reporting Process



# General Dispute Reporting and Resolution Policy

For general disputes, SO supports an effective resolution process and is committed to achieving this through various resolution mechanisms.

General Disputes may be reported through one of two methods to SO:

1. Via email to [complaints@skateontario.org](mailto:complaints@skateontario.org)
2. An issue/complaint may be reported to Skate Canada by email to [safesport@skatecanada.ca](mailto: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 SO 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](http://www.skate-safe.ca)

Telephone: +1-833-723-3758

If the general dispute names SO as the party against which the complaint is being filed, the general dispute is to be reported directly to Skate Canada for resolution in cases where there is not a resolution after appropriate discussions with SO.

The general dispute report must contain:

- a declaration that the parties attempted early resolution facilitation or mediation for the general dispute and the result.
- If the parties did not attempt resolution facilitation or mediation, they must provide the reasons they did not attempt.

In addition, the 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.

The general dispute report must be made in writing by email to SO within thirty (30) days of the occurrence of the dispute, although this timeline can be waived or extended at SO'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, SO 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 including if resolution facilitation or mediation were not attempted.
- b) by SO informally through a discussion and/or an early resolution facilitation or mediation; or



# General Dispute Reporting and Resolution Policy

- c) by SO formally by initiating an investigation per this procedure. SO 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 SO Case Manager that a general dispute reported should be accepted and resolved by SO, timelines will be established by SO to ensure procedural fairness and timely resolution.

Upon SO'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 SO, as determined by the Case Manager, SO 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 SO.

The Case Manager and Internal Investigator will take appropriate steps to collaborate 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 stakeholders necessary to obtain sufficient information upon which to make an assessment and informed decision.

If appropriate, depending on the assessment and nature of the general dispute, SO, 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 stakeholders(s).
- ii. early resolution facilitation.
- iii. mediation.
- iv. arbitration.

SO reserves the right to appoint:

- i) In the case of early resolution facilitation, the facilitator to conduct this process
- ii) In the case of mediation, a qualified mediator
- iii) In the case of arbitration, a qualified arbitrator



# General Dispute Reporting and Resolution Policy

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 SO, 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 a stakeholder has made a false general dispute or made the general dispute with the intent to harm another stakeholder, this will be investigated separately, and disciplinary action may be taken.

## Costs

The following schedule outlines how costs will be distributed for the different dispute resolution mechanisms. The payment of costs may vary if all parties mutually agree.

- i) **Communications with Individuals:** For this dispute resolution mechanism, the cost for the facilities and hosting will be equally shared between all parties. Parties will be responsible for their own travel costs.
- ii) **Early resolution facilitation and mediation:** The cost for the third-party early resolution facilitator or mediator, hosting and facility costs will be equally shared between all parties. Parties will be responsible to pay for their own travel costs.
- iii) **Arbitration:** The costs for the third-party arbitrator, hosting and facility costs will be equally shared by all parties to the dispute. Skate Ontario will not pay for the costs when a dispute goes to arbitration.

For all dispute resolution mechanisms, the parties are responsible for their own legal costs.



# General Dispute Reporting and Resolution Policy

Any costs that the parties paid for dispute resolution before submitting a complaint or an appeal to Skate Ontario will be paid by the parties including:

- i) Communication between the individual parties
- ii) Early resolution facilitation
- iii) Mediation
- iv) Arbitration

## Decision

The complainant and the respondent, and other parties as applicable, will be notified of the findings and the conclusions made because of the investigation. Whenever any stakeholders are found to have engaged in conduct that constitutes a breach of SO policies, including but not limited to the Code of Ethics Policy, SO 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.

## 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 SO 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 SO in a secure location and in accordance with SO'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 stakeholders 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 stakeholders 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.



# General Dispute Reporting and Resolution Policy

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

- Decisions of the Case Manager may be appealed to the SO Executive Director.
- The decisions of the SO Executive Director may be appealed to the SO 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 stakeholders involved. The Notice of Appeal must indicate:

- intention to appeal.
- name and address of stakeholders appealing.
- identity of the stakeholders 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. In certain circumstances, SO is obligated by law or by order of a tribunal of competent jurisdiction to disclose confidential information regardless of whether consent is provided.

Appeals can be submitted as follows:

**Attention: Case Manager via email to [complaints@skateontario.org](mailto: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 stakeholders 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 SO, 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 because of the decision, will be delivered via registered mail or email to all applicable parties and the SO Executive Director. The date on which the Board sends the written decision via



# General Dispute Reporting and Resolution Policy

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.

Stakeholders 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 SO for safekeeping in a secure location in accordance with SO's Record Retention Policy.

## Controls and Monitoring

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

1. Establishment, oversight and continuous updating of policies, procedures and guidelines for best practices related to Safe Sport, as applicable.
2. Assessment of the effectiveness of the evaluation system that regularly monitors the effectiveness of initiatives in Safe Sport.
3. Quarterly reports to the Board on the number of reports received and trends regarding general disputes.
4. Education and training requirements, as prescribed from time to time.
5. Attestation process to the compliance of all policies every three (3) years by the ED, in accordance with the Policy Management Policy.

## Policy Breach

Any breach of this policy will be treated as a serious offence. The Stakeholder(s) who breach this policy may be subject to disciplinary action, at the sole discretion of SO, up to and including expulsion from membership in SO and/or Skate Canada.

## Contact Us

If you have any questions or comments about this Policy, you may contact us in the following ways: in person, by telephone (905)-212-9991 or by email to [info@skateontario.org](mailto:info@skateontario.org)

## Policy Administration

Skate Ontario maintains and reviews this Policy every three years at a minimum in accordance with our Policy Management Policy.