

# Sudbury Skating Club General Dispute Reporting and Resolution Policy

## **Policy Statement**

Sudbury Skating Club places the highest priority on ensuring there is a safe, professional, inclusive and respectful environment for all participants 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 participants.

This Policy encourages the fair and impartial management of general disputes and is intended to encourage and enable all individuals 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 Skate Ontario/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 Sudbury Skating Club. The focus of this Policy is on the collective roles, responsibilities and practices of everyone involved in any skating activities in the Sudbury Skating Club. This includes the critical role of club, skating school individuals and members of Sudbury Skating Club, to work together in partnership to ensure an optimal operating environment where the safety of all participants is a priority at all times. Specifically, it is imperative that each individual or member 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 individuals or members that such concerns be reported in good faith so that they can be properly addressed and corrected if required.

## **Policy Scope/Applicability**

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

This Policy applies to general disputes between or amongst individuals or members, as defined within this Policy, in accordance with Sudbury Skating Club 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 Skate Ontario, unless it is deemed that it would cause harm to one or more of the parties.

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

This Policy applies to matters that may arise during the course of the Sudbury Skating Club business, activities, and events including without limitation competitions, practices, travel associated with Sudbury Skating Club activities, and any meetings.

This Policy may also apply to an individual’s conduct outside of Sudbury Skating Club and Skate Ontario’s business, activities and events when such conduct:

- a) adversely affects relationships within Sudbury Skating Club and Skate Ontario/Skate Canada (and its work and sport environment)
- b) is detrimental to the image and reputation of Sudbury Skating Club and Skate Ontario/Skate Canada; and/or
- c) is sufficiently serious and significant as to be of general importance to skating and/or of general importance to the overall ability of Sudbury Skating Club to discharge its objectives.

Note: The applicability of the individual’s conduct outside of Skate Ontario business, activities, and events will be determined by Skate Ontario at its sole discretion on a case-by-case basis.

Violations of any Sudbury Skating Club and Skate Ontario 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 Sudbury Skating Club. 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 Skate Ontario 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 individuals with respect, dignity, fairness, and inclusion, in support of our core values,
- Protecting the safety and welfare of all participants through preventative measures, including comprehensive policies and protocols, risk identification and management, education, training, resources and 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.

**Board:** pursuant to the Bylaws, means the board of directors of Sudbury Skating Club.

**Bylaws:** mean the **Bylaws of Skate Ontario** that govern the organization outlining the rights, roles and responsibilities of the Board and members. Sudbury Skating Club bylaws may be found on the Sudbury Skating Club website: <http://www.sudburyskatingclub.com/>

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

**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 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 or Sudbury Skating Club, including, but not limited to, directors of the Board, members of the standing committees of the Board, members of the operating committees of Sudbury Skating Club and officers of Sudbury Skating Club.

**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.

**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 Sudbury Skating Club and Skate Ontario is or has agreed to be bound.

**Member:** pursuant to the Bylaws, means each individual that meets the requirements of the Bylaws and that has been duly admitted as a member of Sudbury Skating Club.

**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.

**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.

**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.

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

Retaliation against an individual 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 Sudbury Skating Club, Skate Ontario 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 Sudbury Skating Club, Skate Ontario and/or Skate Canada.

### **Confidentiality**

Once a general dispute has been reported and until the parties come to a resolution through their negotiation, early resolution facilitation or mediation, to protect the interests of all parties, no individual is permitted to disclose either the existence of a complaint or confidential information or records that form part of the negotiation, early resolution facilitation or mediation of the complaint to any individual outside of the complaint except as strictly required for the purposes of negotiation, early resolution facilitation or mediation, taking corrective action with respect to the complaint or as otherwise compelled by law. Sudbury Skating Club, 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 negotiation, early resolution facilitation or mediation.

In certain circumstances, Sudbury Skating Club 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 individual who breached the confidentiality requirements may be subject to disciplinary action, at the sole discretion of Sudbury Skating Club, up to and including expulsion from membership in Sudbury Skating Club.

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## **Timelines**

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

## **Costs**

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

As per the Skate Ontario 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

## **Records and Distribution of Decisions**

Records of all decisions, including all supporting documentation (investigation reports, any corrective action taken, notes, etc.), will be maintained by Sudbury Skating Club, in a secure location.

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

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

## **Board**

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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 Sudbury Skating Club.

### **Individuals**

All individuals are responsible to:

- be familiar with and understand the provisions of this Policy, the supporting Procedure, and Skate Ontario Code of Conduct, as well as other applicable Sudbury Skating Club and Skate Ontario 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 Sudbury Skating Club vision of providing the safest possible environment for all of our participants in the skating community;
- report any wrongdoing or concerns as outlined in this Policy;
- protect all individuals 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.

### **Governance / Oversight**

This Policy is reviewed and approved at a minimum every 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 Procedures**

General Disputes may be reported to Sudbury Skating Club through one of the following methods:

1. Via email to [sudburyskatinginfo@gmail.com](mailto:sudburyskatinginfo@gmail.com)
2. Via email to [sudburyskatingclub.p@gmail.com](mailto:sudburyskatingclub.p@gmail.com)

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 Skate Ontario 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 Skate Ontario.

### **Receipt of a complaint or dispute**

Upon receipt of a complaint, the board and/or the executive director will inform the parties of the dispute resolution policies and procedures. The parties will be informed of the policy below.

## **Sudbury Skating Club Dispute Resolution Policy and Procedures for a general dispute**

- o If there is a general dispute between individuals and members of Sudbury Skating Club, they are **required** to try to resolve the dispute themselves or through Early Resolution Facilitation or Mediation to facilitate the dispute before referring the dispute to Skate Ontario.
  - Parties must use the Skate Ontario Dispute Resolution Toolkit when preparing Early Resolution Facilitation or Mediation.
  - [Skate Ontario Dispute Resolution Toolkit](#)
- o If the dispute is not resolved through Early Resolution Facilitation or Mediation the dispute must be referred to Skate Ontario.
- o Skate Ontario will then assess the most appropriate level and dispute resolution mechanism to use to resolve the dispute.

### **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. **Communication between with individual(s) and the club:** For this dispute resolution mechanism, costs for the facilities, hosting and parties travel costs will be equally shared between the Sudbury Skating Club and the parties to the dispute.
- ii. **Early resolution facilitation and mediation costs:** For 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 the Sudbury Skating Club. Parties will be responsible to pay for their own travel costs.
- iii. **Arbitration costs:** For arbitration, the cost for the third-party arbitrator, hosting and facility costs will be equally shared between the Sudbury Skating Club. Parties will be responsible to pay for their own travel costs.

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

### **Governance / Oversight**

This Procedure is reviewed and approved at a minimum every 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.