



Dispute Resolution Policy



SECTION 1 - GENERAL

- 1.1 Innisfil Skating Club supports the principles of dispute resolution and is committed to the techniques of negotiation, facilitation, mediation and arbitration as effective ways to resolve disputes with and among members. The Dispute Resolution Process shall be initiated as soon as possible after the incident.
- 1.2 In case of a conflict between Innisfil Skating Club members, the individuals involved in the dispute must make every effort to resolve the conflict amongst themselves.

SECTION 2 - SCOPE AND APPLICATION

- 2.1 This policy applies to all disputes with and among Members or individuals engaged in activities with or employed by the Club.
- 2.2 A dispute is characterized by a disagreement between two or more parties, and may consist of a single or multiple incidents. The gravity of a dispute may vary significantly and may be characterized by a range of actions, implications or consequences. Examples include:
 - 2.2.1 A complaint alleging that a director, volunteer, employee, skater, team, coach, official, parent/guardian or spectator is guilty of misconduct.
 - 2.2.2 A dispute relating to team selection.
 - 2.2.3 Any other request for resolution of a dispute arising from or relating to the activities of the organization.
- 2.3 This policy does not apply to disputes relating to:
 - 2.3.1 Matters of employment;
 - 2.3.2 Doping offences, which are dealt with under the Canadian Policy on Doping in Sport and the Canadian Doping Control Regulations;
 - 2.3.3 The technical rules of Skating, as set out in the Skate Canada Rulebook, issued by the National Governing Body, Skate Canada which may not be disputed.
 - 2.3.4 Disciplinary matters arising during events organized by entities other than the Club, and falling within the jurisdiction of dispute resolution and appeals polices of these other entities.
 - 2.3.5 Criminal offences for which the Appellant(s) is/are seeking a criminal conviction;
 - 2.3.6 Commercial matters for which another dispute resolution process already exists under the applicable law or contract.

SECTION 3 - REPORTING A DISPUTE

- 3.1 Any individual subject to this policy may report a dispute.
- 3.2 Reports must be made to the President in writing within seven (7) business days as set by this policy. Should the report involve the President, the report will be subsequently managed by the Vice President.
- 3.3 The President will immediately advise the Executive and the individual(s) named in the complaint that a complaint has been filed and provide each with a copy of the complaint.

SECTION 4 - REFERRAL AND REVIEW OF COMPLAINTS AND INCIDENTS

- 4.1 Within three (3) days of receiving the written notice of the dispute and summary, the President shall determine whether the matters in dispute and the parties to the dispute are properly within the scope and application of this Policy, or are more properly to be dealt with pursuant to another policy of the Club or Skate Canada. This decision regarding jurisdiction is final and may not be appealed.
- 4.2 After having determined the applicability of the dispute under this policy, the President will refer the dispute to the Investigative Committee.
- 4.3 The President may extend the time for submission of a complaint notwithstanding the expiration of the time set by this policy.

SECTION 5 - INVESTIGATION PROCEDURE

- 5.1 Normally disputes will be first referred to the investigation committee for consideration, clarification, and possible resolution.

Section 5.2 - Composition

- 5.2.1 The composition of the investigation committee shall include a chairperson and such other persons from the Executive as the chairperson may appoint with the approval of the President.
- 5.2.2 These appointments may be made with respect to a specific dispute, or for a period of time.
- 5.2.3 The Executive shall appoint the Vice President as the chairperson of the investigation committee. Should the report involve the Vice President, the report will be subsequently managed by an alternative member of the Executive.

Section 5.3 - Responsibilities

- 5.3.1 To screen disputes:
 - a. Upon referral of the dispute to the investigation committee, the chair, in consultation with the members of the investigation committee will determine whether the dispute is valid.
 - b. If the dispute is considered to be trivial, frivolous or vexatious in nature, the chairperson shall advise the President and the complainant and thereafter shall take no further action in relation to that dispute.
- 5.3.2 To gather information relating to disputes:
 - a. The chairperson shall lead the investigation of the dispute.
 - b. Additional investigation committee members may support the lead in investigating the dispute. If required to ensure timely investigation, additional members may be co-opted by the chair.
 - c. The chairperson may appoint himself or herself as the investigator or as one of the investigators.
- 5.3.3 The investigator shall:
 - a. Review the complaint or the request;
 - b. Make such inquiries as necessary to determine the circumstances of the complaint or incident, which may include:
 - i. sending a copy of summary of the complaint to those named in the complaint, those making the complaint or to any witnesses with a request that they respond in writing to the allegations by a date set by the investigator;
 - ii. communicating with or interviewing persons involved in the incident or whose conduct is the subject of the complaint; and
 - iii. communicating with or interviewing other persons who may have relevant information;
 - c. Where appropriate, the lead of the investigation may recommend that other disputes which come to the light in the course of the investigation also be investigated.

- d. Should the Investigation Committee deem that the situation being investigated may involve a criminal offense; the matter shall be referred to the appropriate authority.
- 5.3.4 To take any practical steps to resolve disputes:
- a. The lead of the investigation shall encourage the parties to resolve the dispute directly, based on the information provided. The Club encourages all Members to communicate openly and to collaborate in using problem-solving and negotiation techniques to resolve their differences. In almost all cases a negotiated settlement is preferable to any outcome achieved through other dispute resolution techniques and is therefore strongly encouraged.
 - b. Should the parties agree, mediation of the dispute shall be arranged. The mediator will normally be a member of the Investigation Committee or the Club President, by common agreement. The parties may retain an outside mediator by common agreement, at their own cost.
- 5.3.5 To refer disputes to a hearing, when necessary, and fairly present all relevant information:
- a. Once the possibility of mediation has been explored, the lead of the investigation will make a recommendation to the President. This recommendation may include:
 - i. That the matter has been resolved between the parties and no further action should be taken;
 - ii. That no further action is warranted based on the facts of the case; or
 - iii. That the President will mediate a Hearing of the Executive Panel to hear and resolve the dispute.
- 5.3.6 On completion of the investigation, the lead investigator shall make a written report to the President, in consultation with the members of the investigation committee.
- 5.3.7 The charge set out in a written report may relate to any matter disclosed during the investigation.
- 5.3.8 A report signed by a majority of the investigation committee is a decision of investigators.
- 5.3.9 If a hearing is recommended, then the Committee Chair will fairly present all relevant information.

SECTION 6 - HEARING PANNEL

- 6.1 The hearing panel will include members of the Club Executive.
- 6.2 Every reasonable effort will be taken to ensure that any Executive member directly involved in the dispute is not part of the hearing panel.
- 6.3 Executive members may chose not to be involved in a hearing. With the exception of the President and Vice President, or designate, participation is not considered a mandatory function of Executive members.
- 6.4 At the discretion of the President, Executive members, or the parties involved in the complaint, the Section Area representative may be requested to participate in the hearing procedure.

SECTION 7 - HEARING PROCEDURES

- 7.1 Characteristics of a fair hearing include:
 - 7.1.1 The right to be heard in a dispute, and
 - 7.1.2 The right to be treated with objectivity and impartiality.
- 7.2 The President shall chair the hearing. Where decisions cannot be reached by consensus. The President may vote only when the vote would negate the result. Therefore the President may vote to break a tie, and this pass the motion, or to create a tie, and this defeat a motion.
- 7.3 The hearing panel shall consider:
 - 7.3.1 Review of the Investigation Committee report and determine whether the hearing formal shall be Documentary or Oral.
 - 7.3.2 Documentary hearings shall be used where the nature of the dispute is considered to be straightforward or minor in nature.

- 7.3.3 The President shall call a Preliminary Conference where the Executive shall consider the evidence provided to determine whether clarification is required. This may include clarification of the dispute, evidence presented, or other matters in the Investigation Committee's report.
- 7.4 At the Preliminary Conference the Hearing Panel shall establish:
- 7.4.1 The order and procedure of the hearing;
 - 7.4.2 The timing of the hearing;
 - 7.4.3 The identification of witnesses; and
 - 7.4.4 Any other procedural matter, which may assist in expediting the hearing.
- 7.5 Parties shall be informed of the dispute to be heard, and the timelines for its resolution. Copies of this dispute resolution policy are to be provided to the parties.
- 7.6 Parties shall be notified of the type of hearing, and, in the case of an Oral Hearing, of the time and place when it will be held.
- 7.7 Parties shall be notified of any information they are required to provide, together with timelines for its provision.

Section 7.8 - Documentary Hearing Process:

- 7.8.1 Parties shall have the opportunity to present their perspectives in writing.
- 7.8.2 Each party shall be provided with a full package of the material to be considered by the Hearing Panel.
- 7.8.3 The Hearing Panel or other parties may request clarification within established timelines.

Section 7.9 - Oral Hearing Process

- 7.9.1 The hearing shall be conducted in an appropriate neutral location chosen by the Hearing Panel.
- 7.9.2 Parties shall have the opportunity to present their perspectives. Witnesses may also be heard, at the discretion of the Hearing Panel.
- 7.9.3 The Hearing Panel or other parties may request clarification.

Section 7.10 - Hearing Panel Deliberations and Decision

- 7.10.1 All Hearing Panel deliberations shall be held *in camera*.
- 7.10.2 As a general rule, the Hearing Panel shall consider any evidence that is relevant to the matters in dispute. Judicial rules of evidence will be relaxed. The Hearing Panel shall have authority to consider hearsay evidence provided the Hearing Panel gives to such evidence appropriate weight as might be reasonable in light of the circumstances of its inclusion.
- 7.10.3 The Hearing Panel shall design an appropriate remedy to resolve the dispute.
- 7.10.4 Should the dispute include a complaint, that complaint may be upheld or may be denied.
- 7.10.5 Should the dispute include an incidence of misconduct, a disciplinary sanction may be recommended consistent with the Club Disciplinary Policy, By-law xxx.
- 7.10.6 The Hearing Panel shall determine how costs of the hearing, excluding legal fees and legal disbursements of any of the parties, shall be allocated, if at all.
- 7.10.7 The Hearing Panel may consider recommendations to be provided to the relevant committee or body. It is not within the authorization of the Hearing Panel to change or alter any rule, criteria, policy, procedure or bylaw of the Club.
- 7.10.8 The Hearing Panel shall notify the parties of its findings, and provide a written report.
- 7.10.9 The decision of the hearing panel is considered final. The Club recognizes that the parties may appeal such decisions to COS, as per Skate Canada By-law 1204.

SECTION 8 - TIMELINES FOR COMPLETION

- 8.1 The investigation, hearing and decision of the hearing panel shall be completed as soon as practical in the circumstances of the complaint.
- 8.2 The guidelines for resolving disputes are set out in Appendix A. The Executive may amend these timelines from time to time. The board may set time guidelines for any matters that the board considers appropriate, including the time for complaints to be made to the President, and the time for completion of steps in the hearing process.
- 8.3 If the circumstances of a complaint or a dispute are such that this policy will not allow a timely resolution of the matter, or if the circumstances of a complaint or a dispute are such that the matter cannot be resolved within the timelines dictated in this Policy, the President, Investigation Committee or Hearing Panel may direct that these timelines be revised.

SECTION 9 - CONFLICT OF INTEREST

- 9.1 Activities pursuant to this Dispute Resolution Policy shall be conducted in accordance with the Club Conflict of Interest Policy, as per Innisfil Skating Club By-law xxx.

SECTION 10 - RECORDS AND USE OF DECISIONS

- 10.1 The Executive shall maintain a record of all decisions of hearing panels.
- 10.2 The hearing panel and board may consider the decisions of previous hearing panels, but are not bound by the precedent.
- 10.3 Decisions of a hearing panel and decisions of the board on appeal are matters of public interest and shall be publicly available without disclosing the names of the individuals involved. Names of persons disciplined may be disclosed to the extent necessary to give effect to any sanction imposed.
- 10.4 If the panel or board decides that making the decision publicly available will unduly violate the privacy of any person, the panel or board may direct that the decision or part of the decision should be kept confidential.

SECTION 11 - REFERRAL TO SECTIONAL COMPLAINTS PROCEEDURE

- 11.1 If the Club's Dispute Resolution Process has been exhausted and the matter is not resolved, either party may direct their concern in writing to the Section Chairperson.
- 11.2 The matter will then be referred to the Section Conflict/Dispute Resolution Committee which shall consist of at least three persons in accordance with the Section's Dispute Resolution process.
- 11.3 The Section Conflict/Dispute Resolution Committee will review the matter and, if necessary, meet with the parties involved.
- 11.4 The Section Conflict/Dispute Resolution Committee shall attempt to assist the parties in helping them to resolve the concern.
- 11.5 The Section may summarily dismiss a complaint or an appeal at any time.
- 11.6 The Committee shall then provide a recommendation and that decision is final and absolute.
- 11.7 A fee may be charged by the Section to the parties involved.
- 11.8 Member suspensions and terminations are within the sole power of Skate Canada National to order. The Section does not have the power to suspend or terminate any Member.

SECTION 12 - REFERRAL TO NATIONAL COMPLAINTS PROCEEDURE

- 12.1 If a complaint involves allegations of misconduct described in the Skate Canada Membership Harassment Policy or the Complaints Policy, the Club shall refer it to the National Complaints Review Officer or a Harassment Officer. As described in section 9 of the Skate Canada Complaints Policy, a complaint must be referred to the National Complaints Review Officer *if it is of significance to skating and is based on one or more of the specific criteria as described in this policy.*
- 12.2 Sexual harassment and discriminatory harassment must be dealt with under the procedures described in Skate Canada's *Membership Harassment Policy* (Skate Canada By-law 1204).

SECTIOPN 13 - CONFIDENTIALITY

- 13.1 No person is permitted to disclose either the existence of a complaint or information about the complaint, except for the purposes of complying with the objectives of the Conflict Resolution Process.
- 13.2 In order to demonstrate respect for all parties, the Club shall abide by principles of confidentiality in implementing the Dispute Resolution Policy. The Club will only release appropriate information pertaining to disputes, including where disclosure is directed by the Panel as part of the remedy to resolve the dispute, is required by law, Canada's Doping Policy, or is in the best interests of the public.

Approved by the Innisfil Skating Club Board of Directors on March 15, 2011

APPENDIX A - TIMELINES

Step	Section	Timeline (days) from the previous step	Days since knowledge of the dispute
I. Written Notice of Dispute to President	3		1
II. President to Review Complaint	4	3	4
III. President to offer Mediation between the parties	5	5	9
IV. President to refer the dispute to the Investigation Committee	5	14	23

Investigation Committee

V. Screening of Dispute	5	1	24
VI. Establishment of Panel	5	2	26

Hearing Panel

V. Establishment of Panel	6	10	36
VI. Screening of Dispute	6	2	38

Decision

VII. Preliminary Conference	7	7	45
VIII. Written confirmation of decisions taken during the Preliminary Conference	7	2	47
IX. Hearing	7	As decided during the Preliminary Conference	Unspecified
X. Decision	7, 11, 12	5	52

WITNESSES

- List of Witnesses to the incident or complaint;

- Coordinates of these witnesses (including phone numbers);
And

- Summary of evidence to be provided by each of them.

Witness No 1:

Name: _____

Coordinates: _____

Summary of evidence:

Witness No 2:

Name: _____

Coordinates: _____

Summary of evidence:

Witness No 3:

Name: _____

Coordinates: _____

Summary of evidence:

Witness No 4:

Name: _____

Coordinates: _____

Summary of evidence:
