

SKATE OAKVILLE DISPUTE RESOLUTION POLICY

Definitions

The following term has this meaning in this Policy:

- a. **“Club”** means Skate Oakville
- b. **“Board”** means the elected or appointed Board of Directors as defined in the Club’s Bylaws
- c. **“Director”** means the person elected or appointed to serve on the Board
- d. **“Executive Board”** means the officers of the Board, including the President, Vice-President, Treasurer, and Secretary.
- e. **“General Dispute”** means a disagreement that materially impacts the delivery of Skate Oakville programs, involves serious breaches of policy, or undermines the safe and respectful environment of the Club.
- f. **“Members”** means all Members defined by Skate Oakville’s Bylaws and for the purposes of this policy shall also include all individuals associated or affiliated with Skate Oakville, including but not limited to athletes, coaches, officials, volunteers, managers, employees, directors, officers, parents and spectators at activities, events/competitions, and programs with and/or hosted by Skate Oakville.

1 Purpose

Skate Oakville supports the techniques of negotiation, facilitation, and mediation as effective ways to resolve disputes. Dispute Resolution avoids the uncertainty, costs, and other negative effects associated with formal complaints, subsequent appeals or potential litigation.

The Club encourages all Members to communicate openly, collaborate, and use problem-solving and negotiation techniques to resolve their differences. Negotiated resolutions to solve disputes with and among Members are encouraged.

The Club follows all guidelines identified by Skate Canada’s National Safe Sport Program.

2 Application of this Policy

This Policy applies to all Members, as defined within this Policy.

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

This Policy applies to individual's conduct outside of the Club's business, activities, and events when such conduct:

- adversely affects relationships within the Club (and its work and sport environment)
- is detrimental to the image and reputation of the Club
- is sufficiently serious and significant as to be part of general importance to skating and/or of general importance to the overall ability of the Club to discharge its objectives

A dispute is characterized by a disagreement between two or more parties and may consist of 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:

- A complaint alleging that a board member, volunteer, employee, skater, team, coach, official, parent/guardian or spectator is guilty of misconduct.
- A dispute relating to team selection.
- Any other request for resolution of a dispute arising from or relating to the activities of the Club.

Opportunities for Dispute Resolution may be pursued at any point in a dispute (prior to any decision of an Adjudicator/Panel) within the Club when all parties to the dispute agree that such a course of action would be mutually beneficial.

3 Reporting a Dispute

Any individual subject to this Policy may report a dispute.

After making every effort to resolve the conflict amongst themselves, a complaint can then be made to the President (president@skateoakville.com) in writing (signed and dated by the complainant) as soon as reasonably possible and 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.

4 Referral And Review of Complaints and Incidents

The President will immediately advise the Executive Board and the Respondent(s) named in the complaint that a complaint has been filed and, within three (3) business days, provide each with a copy of the complaint.

If the dispute is considered trivial, frivolous or vexatious in nature, the President will advise complainant and thereafter shall take no further action in relation to that dispute.

The President may extend the time for submission of a complaint notwithstanding the expiration of the time set by this Policy.

5 Investigation Committee

The Investigation Committee will consist of three (3) individuals: the Vice-President (as Chairperson), one non-executive Board member, and one additional representative (e.g., a coach, volunteer, or Safe Sport liaison). Committee members must not have any real or perceived conflict of interest in the matter under investigation. If a conflict exists, an alternate, impartial representative will be appointed.

6 Investigation Procedure

Disputes will be first referred to the President for consideration, clarification, and possible resolution. Should the President be unable to have the dispute resolved, the President shall refer the matter to the Investigation Committee.

The Investigation Committee will:

- Provide a copy of the complaint to the Respondent within three (3) business days,
- Gather information from the Respondent and any witnesses in regard to the dispute,
- Facilitate a meeting between the parties and/or make recommendations for resolution.
- A recommendation will be made to the President and this recommendation may include:
 - That the matter has been resolved between the parties and no further action should be taken,
 - That no further action is warranted based on the facts of the case, or
 - That the issue needs to be escalated to Skate Ontario for resolution
- Upon completion of the investigation, the Chairperson shall make a written report to the President, which will include the decision and any matters disclosed during the investigation.

The Executive Board shall notify the parties of the investigation findings and provide a written report.

The Investigation Committee will aim to complete its review and provide recommendations within fourteen (14) business days of meeting with the respondent and any witnesses. Extensions may be sought in exceptional circumstances, with notice provided to the parties involved.

7 Records And Use of Decisions

The Executive Board shall maintain a record of all decisions of investigations.

The Investigation Committee and Board may consider the decisions of previous investigations but are not bound by the precedent.

8 Appeal Process

If the dispute is not resolved to the satisfaction of both parties at Club level, it may be referred to Skate Ontario through methods that may include: communication with individual(s); early resolution facilitation; mediation; and/or arbitration.

If the Club's and Skate Ontario's Dispute Resolution Process has been exhausted, either party may direct their concern in writing to Skate Canada for resolution in accordance with Skate Canada's General Disputes Reporting and Resolution Policy by email to safesport@skatecanada.ca or by telephone to 1-888-747-2372.

A fee may be charged by Skate Canada to the parties involved.

9 Final and Binding

Any negotiated decision will be binding on the parties. Negotiated decisions shall not be appealed.

Parties are expected to fully participate in and exhaust the Club's and governing bodies' dispute resolution procedures before initiating any legal action. Legal proceedings should not be pursued unless internal and governing body mechanisms have been reasonably attempted and exhausted.

10 Confidentiality

In order to demonstrate respect for all parties, the Club shall abide by principles of confidentiality in implementing the Dispute Resolution Policy 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 process to any individual outside of the complaint except as strictly required for the purposes of negotiation, mediation, taking corrective action with respect to the complaint or as otherwise compelled by law.

Any breach of the confidentiality requirements as outlined herein will be treated as a serious offence.

11 Good Faith

Retaliation against an individual who has reported an incident in good faith will not be tolerated and one who retaliates is subject to discipline up to and including expulsion.

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.