



## *Dispute Resolution Process*

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### **Individual Level**

1. The Complainant and Respondent are encouraged to make best efforts in an attempt to resolve the complaint/conflict between each other.

### **Club Level**

1. Where best efforts to resolve the complaint/conflict fail, a complaint may be made in writing to the Club Board of Directors.
2. Upon receipt of a written complaint, the Club Board of Directors shall respond within two weeks of receipt of the complaint in writing to the Complainant, acknowledging receipt of the complaint, and include a copy of the Dispute Resolution Process. The Complainant will be requested to advise the Club Board of Directors in writing within two weeks of receipt of the acknowledgment from the Club Board of Directors as to whether or not they wish to pursue the complaint according to the Dispute Resolution Process. The Complainant shall also be asked to provide full disclosure of all information and the names of witnesses gathered for purpose of the complaint and confirm, in writing, in the event that the complaint proceeds to a hearing, that the Complainant and witnesses are prepared to be cross-examined by the Respondent. In the event that the Complainant and/or witnesses are not prepared to come forward for a cross-examination, then there is no complaint.
3. If the Complainant advises the Club Board of Directors in writing that they wish to proceed with the complaint and are prepared to make full disclosure of all information and the names of witnesses as described above, a copy of the complaint, all information received from the Complainant and the Dispute Resolution Process to be followed shall be provided to the Respondent.
4. The Respondent shall be asked to respond to the complaint in writing within two weeks from the date of receipt of the complaint and supporting documentation described in Clause 3 above to the Club Board of Directors. The Respondent shall also be asked to provide full disclosure of all information and the names of

witnesses gathered for purpose of the complaint and confirm, in writing, that the Respondent and witnesses are prepared to be examined by the Complainant.

5. The Club Board of Directors shall appoint an Investigating Committee of a minimum of two individuals to investigate the complaint. The Investigating Committee shall interview the Complainant, the Respondent, review all information provided by the Complainant and the Respondent and shall also interview all witnesses on behalf of the Complainant and the Respondent.
6. If requested by either the Complainant or the Respondent, a hearing of the Club Board of Directors shall be held, at which both the Complainant and Respondent may make oral submissions, present evidence and cross-examine witnesses. In addition, the Complainant or the Respondent, in their discretion, may be accompanied by a representative. The hearing may be conducted in person or by telephone conference and shall be convened as soon as is reasonably practical, taking into consideration the schedules of the Board of Directors, the Complainant, the Respondent and witnesses.

*Note: In order for a party to have a fair hearing the Board Members conducting the hearing must not have a personal interest or bias.*

7. The Club Board of Directors shall prepare a written report outlining the allegations of the Complainant, the response of the Respondent, the evidence of any witnesses, the conclusions reached as to the allegations, the decisions and underlying reasons for those decisions, and the recommendations as to the appropriate resolution. The report shall be provided to the Complainant, the Respondent and the Club Board of Directors.
8. If the Complainant and Respondent accept the recommendations and the complaint is resolved, the Club Board of Directors shall follow up with the Complainant within one month following resolution of the complaint to ensure things are running smoothly.
9. If resolution cannot be reached following the Dispute Resolution Process at the Club level, the Club Board of Directors shall, at the request of the Complainant or Respondent, direct the complaint and all information and evidence gathered, to the Section Ethics Review Committee.
10. If best efforts have been made by the Complainant to have the complaint dealt with at the Individual Level and at the Club Level through the Dispute Resolution Process, and resolution has not been achieved, the Complainant or Respondent may direct the complaint and all information and evidence gathered to the Section Ethics Review Committee.

## Section Level

1. When a complaint has not been resolved at the Club Level, the Club Board of Directors and/or the Complainant, shall, at the request of the Complainant or Respondent, request the complaint be directed to the Section Ethics Review Committee. This request must be made in writing to the Section Office and include the complaint, all information and evidence gathered and the written decision of the Club Board of Directors.
2. The Section Ethics Review Committee, within two weeks of receipt, shall acknowledge receipt of the request and documentation, in writing to the Club President, the Complainant and the Respondent.
3. The Section Ethics Review Committee shall review the documentation and investigate further as required to ensure all necessary information has been accumulated and validated. The Section Ethics Review Committee may also appoint an Investigator to do the document review and further investigation as necessary.
4. The Section Ethics Review Committee or appointed Investigator may confer with any other resources as required to bring further clarity to the documentation. (e.g. lawyers, Skate Canada Member Services, Members of the Section Board of Directors)
5. The Section Ethics Review Committee shall prepare a written report outlining their conclusions, the underlying reasons for those conclusions with their recommendation for resolution, and provide copies to the Complainant, the Respondent and the Club Board of Directors.
6. Notwithstanding Clause 5 above, if requested by either the Complainant or the Respondent, a hearing of the complaint shall be held. In such a case, the Section Ethics Review Committee shall appoint a Panel of three individuals to conduct the hearing. The individuals appointed shall be from a roster or pool of nominees established previously with the expertise required and experience as a member of a hearing panel and with no affiliation or relationship to the Complainant or the Respondent.
7. The Panel shall hold the hearing as soon as practicably possible, taking into consideration the time required for the Panel to review the complaint, all information provided by the Complainant and the Respondent and the schedule of the Complainant, the Respondent and witnesses to be called to give evidence.
8. The Panel shall use as a resource the Centre For Sport and Law publication, The Hearing Process From Start To Finish, for the hearing process.
9. The Panel shall have the discretion to govern the hearing subject to the following:

- The Complainant and the Respondent shall be provided 14 days written notice of the date, time and place of the hearing. The Panel may decide to conduct the hearing in person or by telephone conference.
  - The Panel shall ensure that the Complainant and the Respondent have been provided with full disclosure of all information and the names of witnesses gathered for purpose of the complaint. In addition, the Complainant and the Respondent will confirm to the panel that the witnesses are prepared to provide evidence at the hearing.
  - The Panel from among themselves shall select a Chair.
  - A quorum shall be all three Panel members.
  - Decisions shall be by a majority vote and the Chair carries a vote.
  - The Complainant and the Respondent, in their discretion, can be accompanied by a representative.
  - The Complainant and the Respondent shall have the right to present evidence and argument and examine witnesses.
  - The hearing shall be held in private.
  - The Panel shall have the authority to abridge or extend timelines associated with the hearing, should the need arise.
10. The Panel, where circumstances warrant, may determine a preliminary conference is required to deal with matters such as date, location of information and timelines for exchange of documents, format for the hearing, clarification of issues in dispute, clarification on order and procedure of the hearing, discipline and sanctions being sought, identification of witnesses and any matter that may assist in expediting the hearing process. In such a case, the Panel may delegate the Panel Chair the authority to deal with these preliminary matters.
11. The Panel shall render its decision with written reasons within 10 days of the hearing. The written decision shall be provided to all parties to the hearing, and the Section Ethics Review Committee.
12. If the recommendations are accepted by the Complainant and Respondent and the complaint is resolved, the Section Manager, Member Services, shall follow up with the Club Board of Directors, the Complainant and the Respondent within one month following resolution of the complaint to ensure things are running smoothly.
13. If resolution has not been reached following the Dispute Resolution Process at the Section Level, or it is deemed necessary to elevate the complaint to Skate Canada, the Section Ethics Review Committee shall, at the request of the Complainant or Respondent, direct the complaint to Skate Canada in accordance with the Skate Canada Complaints, Suspension and Expulsion Policy.

## **Mediation**

At any stage of this process, the Club Board of Directors, the Investigating Committee, or the Section Ethics Review Committee may designate a mediator or other neutral facilitator to assist the Complainant and Respondent to settle the complaint. The mediation process may only be done with the consent of the Complainant and the Respondent. The identity of the mediator or other neutral facilitator shall be agreeable to all parties. In the event that the matter is resolved following such mediation, the parties shall notify the Club or the Section Ethics Review Committee, as the case may be, that the complaint has been resolved.

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