

POLICY: SECTION DISPUTE RESOLUTION PROCEDURES

REFERENCE: By-law 1204

EFFECTIVE DATE: October 4, 2008

GENERAL

1. Skate Canada 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.
2. In case of a conflict between Skate Canada members, the individuals involved in the dispute must make every effort to resolve the conflict amongst themselves.
3. A Club may refer a dispute to the Section Dispute Resolution procedure where:
 - reasonable efforts to resolve the conflict have failed; and
 - the disputing parties agree in writing to engage in dispute resolution to resolve the conflict.

REFERRAL TO NATIONAL COMPLAINTS PROCEDURE

4. If a complaint involves allegations of misconduct described in the Membership Harassment Policy or the Complaints Policy, the matter shall not be dealt with through the Section's Dispute Resolution Process.
5. 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 following grounds:
 - (a) that a member has committed an offence by engaging in conduct which has or could have a material adverse effect on:
 - (i) the sport of skating; or,
 - (ii) the goodwill and/or reputation of Skate Canada;
 - (b) that a member has committed a serious breach of the rules, regulations and policies of Skate Canada;
 - (c) that a member has engaged in conduct which constitutes personal harassment or abuse of power in relation to another Skate Canada member. For these purposes:
 - (i) "personal harassment" is defined as: improper conduct (comment, conduct, or gestures), which is directed toward an individual, and which is offensive or harmful to that individual, and which the person making the

comment, conduct, or gestures knows or ought to know is unwelcome or unwanted.

- (ii) “abuse of power” is defined as: conduct which involves the improper use of power, trust or authority inherent in a position held, which is directed toward an individual, and which endangers the job or performance of the individual, or undermines his or her job or performance, or in any way interferes with or influences the performance or career of that individual.
- (iii) the conduct includes verbal, psychological and physical forms of behaviour, is demeaning, belittling, or causes personal humiliation or embarrassment, and may be on a one-time or continuous basis;
- (iv) the conduct does not have to be made with the intent to harass or to abuse power, as the case may be, to constitute personal harassment or abuse of power;
- (v) the conduct takes place:
 - (1) at or during the course of any Skate Canada business or skating activity or event (including business or skating activities or events of member organizations); or,
 - (2) outside of those situations, when the conduct occurs between members of Skate Canada, and the conduct adversely affects Skate Canada skating environment.

6. Sexual harassment and discriminatory harassment must be dealt with under the procedures described in the Membership Harassment Policy.

7. The Membership Harassment Policy defines discriminatory harassment as improper conduct which is:

- directed toward an individual or group of individuals, and which is
- related to or motivated by the race, national or ethnic origin, colour, religion, age, marital status, family status, disability, or pardoned conviction of that individual or group of individuals, and which is
- offensive to that individual or group of individuals, and which
- the person making the comment, conduct, or gestures knows or ought to know is unwelcome or unwanted.

8. The Membership Harassment Policy defines sexual harassment as:

- improper conduct which is
- directed toward an individual or group of individuals, and which is

- related to the sex or sexual orientation of that individual or group of individuals, and which
- might reasonably be expected to cause offense or humiliation to that individual or group of individuals, or which
- might reasonably be perceived by the individual or group of individuals as placing a condition of a sexual nature on employment, or on any opportunity for training or advancement.

Sexual harassment may be directed at members of the same sex or the opposite sex.

9. Harassment is improper behaviour, which may be on a one-time or continuous basis, that is insulting, intimidating, humiliating, malicious, degrading, or embarrassing. The improper behaviour does not have to be made with the intent to harass or discriminate, to be in violation of this policy.
10. Complaints involving any of the above misconduct, or employment matters, shall not be dealt with under the Section's Dispute Resolution Process.

REFERRAL OF DISPUTES TO THE SECTION

11. A Club may refer a dispute to the Section's Dispute Resolution Process by delivering the following to the Chairperson of the Section:
 - (a) the parties' written agreement to participate in mediation, and
 - (b) a statement by the Club that reasonable efforts to resolve the conflict have failed.
12. A member who wishes to appeal a Club's decision to dismiss a complaint may refer the matter to the Section by submitting a written request for reconsideration in writing to The Chairperson of the Section.
13. Where a member appeals a Club's decision to dismiss a complaint, the Section President or his or her delegate shall consider information provided from the parties involved and may do either of the following:
 - (a) Uphold the Club's decision to dismiss the Complaint; or
 - (b) Refer the Complaint to the Section's Dispute Resolution Process.
14. The Section may summarily dismiss a complaint or an appeal at any time.

SECTION DISPUTE RESOLUTION PROCESS

15. Where a dispute is referred to the Section's Dispute Resolution Process, the Section may appoint a Mediator to meet with the parties to attempt to achieve a resolution if the Section considers that the matter is appropriate for resolution by Mediation.

16. The Section may appoint a Member of Skate Canada or an individual from outside Skate Canada to mediate the dispute.
17. The Mediator shall contact the parties as soon as possible after his or her appointment to arrange a meeting between the parties to resolve their dispute.
18. All parties must engage in the process in good faith with the full intention of resolving the dispute.
19. The purpose of the Mediation Process shall not be to judge, assign blame or mete out punishments but to mediate and facilitate a mutually satisfactory resolution between the parties.
20. If the parties are able to achieve a resolution of their dispute, the Mediator shall write out the terms of the parties' agreement, which shall be final and binding.

DECISION BY SECTION

21. If the parties are unable to resolve the dispute, the Section President or his or her delegate may make a decision to finally resolve the dispute.
22. Before making a determination, the President or his or her delegate must obtain and consider information from each of the disputing parties. The President or his or her delegate may obtain information from any other person with relevant knowledge of the dispute.
23. 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.

NO APPEAL

24. There shall be no appeal from the Section's decision or dismissal of a complaint under this Policy.
25. If the complaint involves allegations of misconduct described in the Membership Harassment Policy or the Complaints Policy (as outlined in paragraphs 4 through 10 of this Policy), it may be referred to the National Complaints Procedure notwithstanding the Section's decision or dismissal.

CONFIDENTIALITY

26. 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 Dispute Resolution Process. Information shared in the Mediation Process shall be kept confidential.