



**Policy #**

**Policy Title**    **General Disputes Reporting and Resolution Policy**

|  |  |
|--|--|
| <b>Policy Owner(s) Division / Department</b>                   | Safe Sport / Operations  |
| <b>Effective Date</b>  | May 19, 2020   |
| <b>Last Review Date</b>  | May 19, 2020   |
| <b>Applicable Laws, Regulations, or Other Identified Risks</b> | <p>Legislation*: Canadian Criminal Code, Ontario Human Rights Code, and Personal Information Protection and Electronic Documents Act (Canada)</p> <p>Industry Codes/Policies*: Canadian Sport Policy, International Skating Union (“ISU”) Code of Ethics, Universal Code of Conduct to Prevent and Address Maltreatment in Sport (Canada)</p> <p>*Current and as may be amended from time to time</p> <p>Risks: Strategic, Compliance, Operational, Reputational</p> |

**Policy Statement**

The vision of Skate Canada is to inspire all Canadians to embrace the joy of skating. In pursuit of that objective, Skate Canada places the highest priority on ensuring there is a safe, professional, inclusive and respectful environment for all participants in the skating community. In support of Skate Canada’s vision and core values, this General Disputes Reporting and Resolution Policy (“Policy”) has been established to ensure that we are providing the safest possible environment for all participants in the skating community. 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 and having accessible reporting and resolution mechanisms in place to provide fair and equitable treatment of all components of Skate Canada’s National Safe Sport Program (“Program”). This includes the fair and impartial management of general disputes.



This Policy outlines the available options for reporting issues related to general disputes. This Policy is intended to encourage and enable the individuals to whom this Policy applies to raise concerns so that general disputes can be addressed and/or corrected.

### **Background / Rationale**

This Policy is designed as a control to help safeguard the environment, welfare and rights of everyone involved in Skate Canada. The focus of this Policy is on the collective roles, responsibilities and practices of everyone involved in the skating community, including the critical role of Skate Canada, clubs, skating schools, and sections, to work together in partnership to ensure an optimal operating environment where the safety of our skaters is our priority at all times. Specifically, it is imperative that each of our respective organizations 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 of Skate Canada that such concerns be reported in good faith so that they can be properly addressed and corrected.

### **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 Skate Canada

**Bylaws** mean the bylaws of Skate Canada as amended and which are, from time to time, in force and effect

**Charter** means the Skate Canada Governance Charter which establishes Skate Canada's governance structure and defines key organizational elements of Skate Canada and the Board

**CEO** means the Chief Executive Officer of Skate Canada, a Board appointed position

**club**, pursuant to the Bylaws, means a not-for-profit organization that is operating for the general purpose of providing Skate Canada programs and is managed by a volunteer board of directors

**coach**, pursuant to the Bylaws, means a skating expert with the required National Coaching Certification Program qualifications to provide a remunerated service at Skate Canada sanctioned clubs and skating schools, both on and off-ice. These individuals shall



have registered, provided full payment and have met all professional coach registration requirements as set annually by Skate Canada

**department** means a group of multiple divisions (e.g., Marketing and Events, Operations, Performance Excellence)

**director**, pursuant to the Bylaws, means a person elected or appointed to serve on the Board

**division** means a department dealing with specific areas of activity, expertise and/or responsibility (e.g., Corporate Services, Finance, Information Technology, Safe Sport and Strategic Communications, are some examples of divisions within the department of Operations)

**employee** means a person who is hired by Skate Canada on a permanent full-time or short-term on-going basis, or on a temporary / contract basis for a defined period of time. Employees may also include certain independent contractors/consultants who, while not technically employees within the meaning of applicable labour or tax laws, have been identified as being subject to this Policy

**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 Canada programs are delivered, and/or
- where an individual has committed a serious breach of the membership rules, regulations and/or policies of Skate Canada

**individual** means a person, and includes registrants, members, parents/guardians of skaters (including minor skaters), as well as persons employed by or engaged in activities, events/competitions, and programs with and/or hosted by Skate Canada, including, but not limited to, directors of the Board, members of the standing committees of the Board, members of the operating committees of Skate Canada, officers of Skate Canada, a Skate Canada section (included for the purposes of this Policy), event volunteers, and spectators

**ISU** means the International Skating Union, which is the exclusive international sport federation recognized by the International Olympic Committee (IOC) administering sports in the branches of figure skating and speed skating throughout the world. The ISU is composed of a number of national associations called “ISU Members”, who administer ISU sports at the national level and recognize that all international matters are under the sole jurisdiction and control of the ISU



**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 Skate Canada is or has agreed to be bound

**member**, pursuant to the Bylaws, means each person that meets the requirements of any of the three Member classes as defined in Article 3 of the Bylaws and that has been duly admitted as a member of Skate Canada (*which includes coaches, clubs, and skating schools*)

**minor** means a child under the age of majority and as defined in the province or territory of Canada, as may be amended from time to time. It is the responsibility of the adult to know the age of a minor

**Notice of Appeal** means a formal notice served by the individual informing Skate Canada of their intention to request review of a decision

**officer**, pursuant to the Bylaws, means the President and such other officers as the Board may determine by Ordinary Resolution

**organization** means Skate Canada, unless otherwise noted

**President**, pursuant to the Bylaws, means the chair of the Board and officer of Skate Canada

**registrant**, pursuant to the Bylaws, means (i) an individual who is registered by a club or skating school with Skate Canada and who is subject to all applicable rules, regulations and policies of Skate Canada but who is not a member; and (ii) an individual who is engaged in any activity provided, sponsored, supported, sanctioned or recognized by Skate Canada and registered directly with Skate Canada but who is not a member (which includes skaters and officials)

**Safe Sport division** is a division of the Operations department of Skate Canada, reporting to the Senior Director, Operations, through which an individual may report incidents of injury and general disputes to Skate Canada

**section**, pursuant to the Bylaws, means an organization incorporated or organized in a particular province or territory (and in some cases, a combination thereof) strategically aligned with Skate Canada, that may receive funds from provincial or territorial Governmental Authorities and be subject to applicable sport recognition programs and transfer payment arrangements. Each Section is held to the governance and operating



requirements of their respective province and / or territory(ies) and is responsible for skating in their respective jurisdictions

**skater** means (i) a person who is registered at a club or skating school with Skate Canada and who is subject to all applicable rules, regulations and policies of Skate Canada but who is not a member; and (ii) a person who is engaged in any activity provided, sponsored, supported, sanctioned or recognized by Skate Canada and registered directly with Skate Canada but who is not a member

**skating school**, pursuant to the Bylaws, means an organization other than a club that is operating for the general purpose of providing Skate Canada skating programs

**we, us, our** means Skate Canada, unless noted otherwise

#### **Policy Scope/Applicability:**

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

This Policy applies to general disputes between or amongst individuals, as defined within this Policy, escalated through the Safe Sport process of Skate Canada, in accordance with the General Dispute Reporting and Resolution Procedure, after every effort has been made to resolve the general dispute amongst themselves at the appropriate club/skating school and/or section level through their disputes policies and procedures, unless the general dispute implicates a section, in which case the dispute is to be directed to Skate Canada for resolution,

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

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

This Policy applies to an individual's conduct outside of Skate Canada's business, activities, and events when such conduct:

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



*Note: The applicability of the individual's conduct outside of Skate Canada's business, activities, and events will be determined by Skate Canada at its sole discretion.*

Violations 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 Skate Canada. 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 Skate Canada General Disputes Reporting and Resolution Procedure ("Procedure"), designed to ensure an appropriate and timely resolution of reports of general disputes received through the Safe Sport process at Skate Canada.

This Policy is also to be read in conjunction with the Skate Canada National Safe Sport Program, the Skate Canada Code of Ethics, and the Trans Inclusion Policy.

This Policy does not apply to matters where there are other Skate Canada policies in place, including but not limited to the policy on anti-doping, and appeals related to the team selection and carding processes.

### **Policy Requirements**

Skate Canada's goal and commitment is to be a leading Safe Sport organization in Canada and internationally. The guiding principles of the National Safe Sport Program set out herein reflect this commitment and provide the framework for this Policy.

### **Guiding Principles**

- I. 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
- II. 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
- III. Providing an accessible national Safe Sport issue reporting and resolution process that is confidential, compassionate, fair, comprehensive, transparent, and independent; ensures timely resolution; and is without reprisal for general disputes.

### **Reporting Process**



General disputes are reported through Skate Canada, in accordance with the Procedure.

For general disputes, Skate Canada supports an effective resolution process, and is committed to achieving this through various resolution mechanisms. The individual, member and/or section involved in a general dispute are required to first take reasonable measures to resolve the matter amongst themselves at the level at which the situation originated (e.g., through the club, skating school, and/or section dispute resolution processes) prior to escalation to Skate Canada, which will serve as the final appeal in the process. If the general dispute implicates a section, the dispute is to be reported directly to Skate Canada for resolution.

#### 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 discipline up to and including expulsion.

#### 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.

#### Investigation and Resolution Process

Skate Canada is responsible for all general disputes received through the Safe Sport reporting process. The Safe Sport division will ensure that all reports are promptly reviewed, followed up on and where appropriate, investigated (as applicable) and resolved, including appropriate corrective/disciplinary action to be taken if warranted by the investigation.

#### Decisions / Sanctions

After reviewing the matter, a determination will be made by the CEO regarding whether a violation of this Policy and/or related Skate Canada policies and procedures has occurred, and if so, the sanctions to be imposed. The sanctions imposed will be proportionate to, and reflective of, the nature and severity of the violation, and may involve one or more of a series of disciplinary measures, including suspension or expulsion from membership in Skate Canada, on such terms and conditions, if any, are deemed appropriate or necessary and in accordance with Skate Canada Bylaws as



applicable. The decision and/or sanction imposed will be considered a matter of public record unless decided otherwise by Skate Canada.

### Appeal Process

The decision of the CEO related to this Policy may be appealed, only in accordance with this Policy and the Procedure, if and as applicable. Not all decisions may be appealed. Decisions may only be appealed on procedural grounds where it has been demonstrated that:

- a decision was made outside of the authority or jurisdiction, as set out in Skate Canada's governing documents
- procedures were not followed as laid out in the bylaws or approved policies of Skate Canada
- a decision was influenced by bias, where bias is defined as a lack of neutrality to such an extent that the decision-maker is unable to consider other views, or that the decision was influenced by factors unrelated to the substance or merits of the decision
- discretion was exercised for an improper purpose
- a decision was made that was extreme and obviously unreasonable

The individual appealing the decision will bear the onus of proof in the appeal, and must demonstrate, on a balance of probabilities, that the decision-maker has made an error. In addition, the individual appealing the decision must have abided by the terms of the resolution process in all respects, including complying with the confidentiality restrictions as outlined in this Policy, failing which the appeal may be denied.

The Board will review the written Notice of Appeal and, at its sole discretion, determine if there are sufficient grounds for appeal.

### Confidentiality

Once a general dispute has been reported and until a decision is released, 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 investigation of the complaint to any individual outside of the complaint except as strictly required for the purposes of investigating, taking corrective action with respect to the complaint, or as otherwise compelled by law. Skate Canada, 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 investigation and disciplinary process and/or final decision on the outcome of the investigation.

In certain circumstances, Skate Canada 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 Skate Canada.

#### Timelines

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

In the case of an appeal, if applicable, the Board reserves the right to modify the timelines set out within the Procedure in order to accommodate the particular circumstances of any appeal.

#### 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 Skate Canada, in a secure location in accordance with the Skate Canada Record Retention Policy for a minimum of 10 years after the date of final resolution. After that time, an assessment will be made to determine what will be kept for a longer period of time or in perpetuity.

Other persons or organizations, including but not limited to, national (domestic and international as applicable) and provincial sport organizations, sections, clubs, skating schools, etc., may be advised of any decisions rendered in accordance with this Policy and the accompanying Procedure, as applicable.

A database or registry of the names of individuals who have been sanctioned by Skate Canada or whose eligibility to participate in the activities of Skate Canada has in some



way been restricted will be maintained and publicly available, in a manner determined by Skate Canada.

**Reference: For complete details on Safe Sport reporting, investigation and resolution process (including decisions and appeals), refer to the General Dispute Reporting and Resolution Procedure**

### **Roles and Accountabilities**

To achieve and support a Safe Sport environment, all individuals are required to understand and comply with this Policy.

#### Skate Canada

Skate Canada will take all reasonable steps to implement the necessary preventative measures and respond to any Safe Sport reported general dispute.

Skate Canada will collaborate with the federal government, international federations, and national sport organizations, as well as applicable partners to support and advance Safe Sport programs.

#### Board

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 Skate Canada.

#### CEO

The Board has assigned the responsibility for the implementation of this Policy and the Procedure to the CEO, including ensuring the organization has the appropriate resources to develop ongoing prevention measures, operational procedures and practices for Safe Sport, the development of an evaluation system that regularly monitors the effectiveness of initiatives in Safe Sport, and an ongoing and ever evolving communication and partnership strategy within the skating community to ensure a Safe Sport environment for all of our participants.

#### Senior Director, Operations (reporting to the CEO)

The Senior Director, Operations, who has responsibility of the Operations department of Skate Canada which includes the Safe Sport division, is responsible for the implementation and ongoing evolution (subject to Board approval), application and maintenance of this Policy, the Procedure and the National Safe Sport Program, to meet the Policy goals as outlined under “Guiding Principles” within the Policy Requirements section.



### Director, Safe Sport and Strategic Communication

The Director, Safe Sport and Strategic Communications, reporting to the Senior Director, Operations, is responsible for supporting the implementation and communication (including interpretation and enforcement) of this Policy through the General Dispute Reporting and Resolution Procedure and other related procedures and training, as applicable.

### Safe Sport Division

The Safe Sport division, reporting to the Director, Safe Sport and Strategic Communications, is responsible for the end to end management of general disputes received through the Safe Sport reporting process, including the review and actioning to conclusion.

### Individuals

All individuals are responsible to:

- be familiar with and understand the provisions of this Policy, the supporting Procedure, the National Safe Sport Program and the Code of Ethics, as well as other applicable Skate Canada policies and protocols, including those specifically identified in this Policy (E.g., Privacy Policy, Trans Inclusion Policy, etc.)
- treat everyone with professionalism, respect, inclusiveness, dignity, and fairness in alignment with our core values
- support Skate Canada's 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
- 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:

- Establishment, oversight and continuous updating of policies, procedures, and guidelines for best practices related to Safe Sport, as applicable
- Evaluation of the effectiveness of the evaluation system that regularly monitors the effectiveness of initiatives in Safe Sport
- Quarterly reports to the Board on the number of reports received and trends regarding general disputes
- Education and training requirements, as prescribed from time to time



- Attestation process to the compliance of all policies every two (2) years by the CEO, in accordance with the Policy Management Policy, including this Policy
- Ongoing and ever evolving communication and partnership strategy within the skating community to ensure a Safe Sport environment for all participants
- Active promotion of our Safe Sport commitment throughout all Skate Canada programs, interactions, activities and events
- Collaboration with the federal government, international federations, and national sport organizations, as well as applicable partners to support and advance Safe Sport programs

### **Reporting and Escalation/Exceptions**

There are no exceptions to this Policy. Any issues or conflicts with this policy will be escalated to the CEO, with reporting as applicable to the Board.

### **Governance / Oversight**

This Policy is reviewed and approved at a minimum every three (3) years, or sooner if there are legislative or regulatory changes, as part of policy review and validation in accordance with the Policy Management Policy.

### **Related Documents**

This Policy is an overarching organizational policy that should be read in conjunction with the following directly and/or indirectly related policies:

National Safe Sport Program

Code of Ethics

Trans Inclusion Policy

Enterprise Risk Management Policy

Policy Management Policy

Privacy Policy

Record Retention Policy

In addition, the Procedure related to this Policy in order to carry out the Policy.

### **Questions/ Contact Information**

For questions, please refer to the Senior Director, Operations

