

**POLICY:** CLUB 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. Where reasonable efforts to resolve the conflict fail, a request may be made to the Board of Directors of the Club for assistance to resolve the dispute.

#### **REFERRAL TO NATIONAL COMPLAINTS PROCEDURE**

4. If a complaint involves allegations of misconduct described in the Membership Harassment Policy or the Complaints Policy, the Club shall refer it to the National Complaints Review Officer or a Harassment Officer.
5. As described in section 9 of the 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 shall not be dealt with under the Club's Dispute Resolution Procedures.
11. The Club's Dispute Resolution Procedures do not apply to employment matters.

#### **SECTION DISPUTE RESOLUTION PROCESS**

12. Where the disputing parties agree in writing, the Club may refer a complaint to the Section Dispute Resolution Process for resolution.
13. The Dispute Resolution Process shall be initiated as soon as possible after the incident(s) or conduct which forms the basis for the dispute or the complaint.
14. The Club may summarily dismiss a complaint.
15. The Club's decision to dismiss a complaint may be appealed to the Section.
16. 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 Club's dismissal.

#### **CONFIDENTIALITY**

17. 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.