

**POLICY:** MEMBERSHIP COMPLAINTS POLICY

**REFERENCE:** By-law 1204

**EFFECTIVE DATE:** October 4, 2008

### **POLICY STATEMENT**

1. The primary objective of Skate Canada is to improve, encourage and advance figure skating and recreational skating on ice (collectively, “skating”). In pursuit of that objective, Skate Canada is mandated to take all steps necessary or desirable to regulate skating throughout Canada, and to provide standards and rules for all skating activities of its members.
2. From time to time, members engage in conduct which violates those standards and rules, and is sufficiently serious that it would be contrary to the primary objective of Skate Canada to permit that member to retain some or all of the privileges of membership in Skate Canada or on any Committee of Skate Canada.
3. In such instances, that member may be suspended or expelled from membership in Skate Canada or on any Committee of Skate Canada, or may be subject to some lesser penalty, on such terms and conditions, if any, as are deemed appropriate or necessary by the Board of Directors (or its delegate), in accordance with this policy.

### **GENERAL APPLICATION OF POLICY**

4. Subject to the Preliminary Requirements set out in sections 5 to 7 below, this policy applies to any member of Skate Canada (of any class of membership) or any member of any Committee of Skate Canada (collectively referred to in this policy as a “member”).

### **PRELIMINARY REQUIREMENTS FOR APPLICATION OF POLICY**

#### ***Events and Parties***

5. Proceedings cannot be initiated under this policy unless:
  - (a) each of the person(s) making the complaint and the person(s) who are the subject of the complaint were members at the time of such events; and,
  - (b) each of the person(s) making the complaint and the person(s) who are the subject of the complaint are members at the time the complaint is delivered in accordance with the applicable procedures, or were members at any time during the 12 month period immediately before the complaint is delivered in accordance with the applicable procedures;

### ***Matter of Significance to Skating***

6. This policy is not intended to apply to every dispute or complaint which a member may have.

The application of this policy is intended to be confined to situations where the conduct or issue in question is serious and significant. Therefore, proceedings cannot be initiated under this policy unless the subject matter of the complaint concerns conduct or issues which are not only of personal importance to the person(s) initiating the complaint, but are also 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 primary objective.

### ***Determination of Compliance***

7. The determination as to whether a complaint satisfies the Preliminary Requirements shall be made by the Complaints Review Officer (or the Alternate Complaints Review Officer) designated by the President in the sole and reasonable exercise of his or her discretion.
8. If the Complaints Review Officer determines that the dispute or complaint is not a matter of significance to skating, he or she may refer the complaint to be resolved through the Section Mediation Process (see below).

### **PERMITTED GROUNDS FOR COMPLAINT**

9. If a matter is of significance to skating and complies with the Preliminary Requirements in sections 5 and 6 above, proceedings can be initiated under this Policy where the complaint 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.
10. In the case of sexual harassment or harassment based on discriminatory grounds (such as race, religion, sexual orientation, gender or disability) complaints must proceed under the Membership Harassment Policy.
11. Skate Canada may intervene or initiate a Complaint under this Policy wherever it is of the view that a circumstance has arisen which 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.

#### **PENALTY FOR OFFENCE**

12. The appropriate penalty must be proportionate to, and reflective of, the nature and severity of the offence, and may involve one or more of a series of disciplinary measures, including suspension or expulsion from membership in Skate Canada or from any Committee of Skate Canada, on such terms and conditions, if any, as are deemed appropriate or necessary.

#### **MALICIOUS COMPLAINTS**

13. Where it is determined that a complaint under this policy was made based on false information knowingly or in a malicious manner, the appropriate penalty against the complainant will be determined by the Board of Directors (or its delegate) in the reasonable exercise of its discretion.

## **DISPUTE RESOLUTION PROCESS – CLUB AND SECTION LEVEL**

14. Every Club and Section must establish a Dispute Resolution Process to deal with disputes and complaints which arise between members of such Club or Section.
15. The Dispute Resolution Process shall apply to complaints and disputes that are of personal significance to the person(s) initiating the complaint and are not 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 primary objective.
16. The Dispute Resolution Process shall not be used if the Complaints Policy or Membership Harassment Policy apply. In particular, the Dispute Resolution Process should not be used for matters described in paragraph 9 of the Complaints Policy that are serious and significant, or when a member has made allegations of sexual or discriminatory harassment.
17. The Dispute Resolution Process must be outlined in writing, and copies should be made available to all members of the Club or Section upon request.
18. The Dispute Resolution Process should be initiated as soon as possible after the incident(s) or conduct which forms the basis for the dispute or the complaint.
19. Each Club Dispute Resolution Process must include the following:
  - (a) the circumstances where a complaint must be referred to the National Complaints Review Officer under the Membership Harassment Policy or the Complaints Policy;
  - (b) that, where the disputing parties agree, the Club may refer a complaint to the Section Mediation Process;
  - (c) that the Club may summarily dismiss a complaint and that there shall be no appeal from the Club's decision to do so.
20. Each Section Dispute Resolution Process must include the following:
  - (a) the circumstances where a complaint must be referred to the National Complaints Review Officer under the Membership Harassment Policy or the Complaints Policy;
  - (b) a Section Mediation Process through which the Section, if the parties agree, may facilitate a resolution of a complaint or conflict between members;
  - (c) that the purpose of the Section 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;
  - (d) that the Section may make a determination if the parties are unable to achieve a resolution;

- (e) that the Section may summarily dismiss a complaint and that there shall be no appeal from the Section's determinations or decision to dismiss a complaint.

#### **CONFIDENTIALITY**

- 21. No person is permitted to disclose either the existence of a complaint or information or records that form part of the complaint, except for the purposes of complying with the objectives of the Complaints Policy and Procedures or as required by law.

#### **APPLICABLE PROCEDURES**

- 22. The Membership Complaints, Investigation and Hearing Procedures approved from time to time by the Board of Directors pursuant to this policy shall govern the initiation and conduct of proceedings taken under this policy.

#### **EFFECTIVE DATE**

- 23. This policy, as revised, has been approved by the Skate Canada Board of Directors to come into effect October 4, 2008.